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New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 10.05 a.m.

Agenda items 53 and 54

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the eighth annual report of the International Criminal Tribunal (A/58/140)

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the tenth annual report of the International Tribunal (A/58/297)

The President: I should like to bring to the attention of representatives a technical error in document A/58/297. The formal name of the Tribunal for the Former Yugoslavia is quoted wrongly in the document. The name should read as follows: "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991". A corrigendum to that effect will be issued shortly.

I give the floor to the representative of the Secretariat.

Mr. Botaru: On behalf of the Secretariat, I should like to apologize for the late issuance of the report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The President: May I take it that the Assembly takes note of the eighth annual report of the International Criminal Tribunal for Rwanda?

It was so decided.

The President: May I take it that the Assembly takes note of the tenth annual report of the International Tribunal for the Former Yugoslavia?

It was so decided.

The President: I call on Mr. Erik Møse, President of the International Criminal Tribunal for Rwanda.

Mr. Møse: It is a great honour to address the Assembly and to present the eighth annual report of the International Criminal Tribunal for Rwanda (ICTR). The report covers the period from 1 July 2002 to 30 June 2003, but it also provides an opportunity to take

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stock of the results during the second four-year mandate of the judges, from 1999 to 2003, under the presidency of my predecessor, Mr. Pillay. I shall also provide an update on the activities during the first four months of the third mandate and indicate some of our projections.

In 2003, the ICTR is harvesting the fruit of the hard work of previous years. So far this year, three judgements, involving four accused, have been handed down. The first judgement this year was delivered in February. Two more judgements followed in May, and another four judgements, involving eight accused, are expected by the end of the year or very early next year. The total number of judgements rendered as a consequence of trials in the second mandate amounts to nine, involving 14 accused. That reflects a 100 per cent increase in the number of accused who have been tried during the Tribunal's second mandate, as compared with during its first mandate, from 1995 to 1999. And it means that soon, the Tribunal will have rendered 15 judgements, involving 21 accused, since the first trials started in January 1997.

Two voluminous trials, involving a total of 10 accused, started in the second mandate and are now continuing. That brings to 31 the total number of accused whose trials have been completed or are in progress. Since the commencement of the third mandate, in June this year, the ICTR has begun two new trials, each with one accused. The Prosecution has already closed its case in those trials. In addition, two trials, each involving four accused, are scheduled to commence in November. Therefore, by the end of 2003, the cases of a total of 41 accused will be completed or in progress. During the period under review, the ICTR Appeals Chamber delivered two judgements. Three Trial Chamber judgements are currently on appeal. Let me also mention that cooperation with the ICTY and its President is excellent.

The commencement of four new trials, involving 10 accused, during the second half of 2003, is a consequence of the election by the Assembly of a pool of 18 ad litem judges in June this year. The first ad litem judge took up office in Arusha on 1 September 2003, and the other three will arrive there in a couple of weeks. Those four ad litem judges will be participating in four trials. I should like to thank the Assembly for making further progress possible.

However, much work remains. At present, 22 detainees are awaiting trial. The ICTR is anxious to commence those cases as soon as it has the capacity to do so. On 29 September 2003, the ICTR requested the Security Council to increase the number of ad litem judges who can sit at any one time from four to nine. I cannot stress enough the importance of that proposal, which will increase the ICTR's capacity from four to six permanent Trial Chamber sections. The ICTR will thus enjoy the same judicial capacity for conducting trials at first instance as that enjoyed by the ICTY. Another significant reform would be to increase the competence of the ad litem judges to do pre-trial work. A request to that effect was submitted to the Security Council in early September. Those two statutory amendments are instrumental to the timely completion of the Tribunal's mandate.

At the commencement of its third mandate, the ICTR has considered it a priority to elaborate a completion strategy. The first version of that document was submitted to United Nations Headquarters in July; it was prepared within the context of General Assembly resolution 57/289. A revised version was sent to the Security Council on 29 September 2003 and will be issued as document S/2003/946. That revised version takes into account Security Council resolution 1503 (2003), in which the Council called on the Tribunals for the former Yugoslavia and Rwanda to take all possible measures to complete all trial activities at first instance by the end of 2008.

In the completion strategy, it is estimated that, with four ad litem judges, ICTR will be in a position to finalize all ongoing trials, together with cases involving the remaining 22 detainees, by 2007. However, by the end of 2008 — the target date set by the Security Council — only about eight other accused could be brought for trial, out of a maximum of 16 indictees who are still at large and a maximum of 26 suspects who have not been apprehended. These projections may have to be revised. Unforeseen circumstances may cause delays. However, with an increase from four to nine ad litem judges, the Tribunal will be in a better position to finalize most trials by the 2008 target date.

In resolution 1503 (2003), the Security Council decided to establish a separate Prosecutor for ICTR. I would like to thank the previous Prosecutor, Ms. Carla Del Ponte, for her great contributions to ICTR. I was also very pleased to welcome the new Prosecutor, Mr. Hassan Jallow, when he took up office in Arusha on 3 October 2003.

During the period under review, a number of reforms were implemented with a view to further improving efficiency. The establishment of a so-called new trials committee, composed of representatives from all three branches of the Tribunal, facilitated the commencement of the four new trials I have just referred to. During trial, valuable time is now saved by the simultaneous interpretation from Kinyarwanda into English and French in all Trial Chambers. That was not previously the case. Moreover, the judges have adopted numerous amendments to the Rules of Procedure and Evidence. Of particular importance was an amendment of Rule 15 *bis*, which makes it possible to continue a trial with a substitute judge where a judge falls ill, dies, resigns or is not re-elected, thereby eliminating the need to commence the trial de novo. This provision has already been applied. Another amendment was the establishment of a procedure to facilitate plea agreements in cases in which an accused has expressed the intention of pleading guilty. In this context, I should draw the Assembly's attention to an important difference between ICTR and ICTY. Only three persons have pleaded guilty at ICTR, whereas the corresponding number at ICTY is 15. Finally, let me mention that proposals from a working group to accelerate the pre-trial proceedings are presently under consideration by the judges.

The Rules have been amended to create a Coordination Council composed of the President, the Prosecutor and the Registrar. This new organ has already served its purpose, which is to facilitate the coordination of the activities of the three ICTR organs.

International criminal justice is necessary, but costly. An important part of the expenses relates to the defence teams. On 20 December 2002, this Assembly adopted resolution 57/289, requesting a report on our Tribunal's legal aid system. A consultant, a British judge, was subsequently appointed to furnish a report and to make recommendations on the improvement of our legal aid system. Based on his very useful document, the Registry recently submitted to United Nations Headquarters its report on the Tribunal's progress in reforming the legal aid programme. Some of the consultant's recommendations have already been acted upon and other proposals are being followed up. I should mention that the experience both at ICTR and ICTY illustrates that there are no easy answers here. ICTR will continue to seek solutions which reduce costs but without curtailing the right to an efficient defence. Let me also pay tribute to defence counsel's contribution to a fair trial within reasonable time.

In 2002, ICTR experienced difficulties over the flow of witnesses from Rwanda. I am now very pleased to report that the situation has improved. For many months, there has been a steady flow of witnesses from Kigali to Arusha. ICTR wants to maintain and develop a harmonious relationship that will make it easier for the Tribunal to contribute to reconciliation within Rwanda. We were recently very pleased to receive two groups of 10 Rwandan judicial officers, each composed of judges, prosecutors and officials from the Ministry of Justice, and we hope that other representatives of Rwandan society will visit the Tribunal soon.

In this connection, allow me to recall that the events of 1994 have given rise to three sets of judicial proceedings. At the national level, the ordinary Rwandan courts have been supplemented by the establishment of so-called *gacaca* courts based on traditional justice, including lay judges, confessions and reconciliation. At the international level, ICTR is hearing trials involving the alleged leaders in 1994. These three proceedings are not mutually exclusive, but supplement each other and can all contribute to justice and reconciliation in Rwanda. Let me also recall that as early as 2000, ICTR expressed support for the principle of compensation, or rather reparation, for victims. The responsibility for processing and assessing claims for such compensation is, however, not a task for the Tribunal. I am pleased to note that this week, the President of the Human Rights Commission, who is presently in Arusha, committed herself to advocating for a special trust fund for victims of genocide, crimes against humanity and war crimes.

Finally, let me reiterate our appreciation to Benin, Mali and Swaziland for having entered into agreements to enforce sentences handed down by ICTR. Mali has received five convicts. In March 2003, ICTR signed an agreement with France to enforce sentences handed down by the Tribunal. Similar agreements are likely to be concluded with other countries. I also thank all Member States for their cooperation, including in respect of arrests, transfers of indicted persons and travel of witnesses. The Tribunal also thanks the Secretary-General, Mr. Kofi Annan, for his continued support.

The President: I call on Mr. Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia.

Mr. Meron: It is a great honour for me to address this distinguished Assembly to present the tenth annual report of the International Tribunal for the Former Yugoslavia. Let me first express my profound gratitude for the support that you, the General Assembly, have always afforded the Tribunal.

I would also like to pay tribute to the wisdom and dedication of my predecessor as President of the Tribunal, Claude Jorda of France. Judge Jorda served as President of the Tribunal during much of the period upon which I report to you today.

That period, August 2002 to July 2003, has been one of great progress and accomplishment for the Tribunal. Our Trial Chambers and Appeals Chamber have heard more cases than ever before. An increasing number of defendants have decided to plead guilty, express remorse for their crimes and offer assistance to the Prosecution in other cases. A significant number of important offenders against international humanitarian law have been brought to justice. In pursuance of our strategy to bring the work of the Tribunal to a close in a timely and equitable fashion, we have continued to undertake internal reforms designed to improve the efficiency of our proceedings, while scrupulously observing international norms for due process and fair trial. We have moved ahead with efforts to enable our Tribunal to refer certain cases of mid- and lower-level offenders to courts in the States of the former Yugoslavia, especially the State Court of Bosnia and Herzegovina.

Still, much work remains to be done. We need to do even more to improve the efficiency of our proceedings. We must move forward at full speed with efforts to assist in the establishment of national courts in the region of the former Yugoslavia that are capable of hearing cases of war crimes, crimes against humanity and genocide, fairly and without any taint of ethnic, religious, or national prejudice. We must step up our efforts to ensure that the peoples of the former Yugoslavia receive a balanced and honest account of the work of our Tribunal. And we must push for complete — I repeat, complete — cooperation from all Member States, and especially from the States of the former Yugoslavia, in seeing to it that justice is done for the thousands and thousands of victims of the Yugoslav conflicts who lost their lives, loved ones, property and physical and emotional well-being.

Let me begin by reviewing with you some of the Tribunal's central accomplishments during the past year. The pace of the Tribunal's activities has reached an all-time high. The Tribunal continues to honour the commitments that it made to the Security Council. With morning and afternoon sessions in its three courtrooms, its Trial Chambers conduct between four and six trials at a time. During the year in review, they examined 29 cases on their merits as well as three cases of contempt and rendered four final judgments on the merits or sentencing judgments.

The trial of Slobodan Milosevic, former head of State of the Federal Republic of Yugoslavia, continued before Trial Chamber III. The defendant's health has led to a great number of delays, and it is, I would like the Assembly to know, an extraordinarily complex case. It brings together what had been three separate indictments, for Kosovo, Croatia and Bosnia, with 66 counts, hundreds of witnesses, tens of thousands of pages of documents, most of which must be translated from Serbo-Croatian into English and French, the Tribunal's working languages. But the Prosecution's case is coming to a close soon, and the timetable for the defence case has begun to be established.

The Appeals Chamber, too, has disposed of a greater number of appeals than in years past. During the period under consideration, the Appeals Chamber disposed of 36 interlocutory appeals, two requests for review, and two contempt proceedings, and handed down one judgement on the merits.

The Trial Chambers also received an increasing number of guilty pleas resulting from plea agreements, including from Biljana Plavsic, former Co-President of the Republika Srpska. A total of 16 have now pleaded guilty at the ICTY. I recognize that because of the egregious nature of the crimes charged before the ICTY, and because the Tribunal's roles include providing some vindication for the victims and contributing to the creation of an accurate record of terrible atrocities, some are hesitant about a too-frequent recourse to plea agreements. These concerns are certainly understandable and legitimate. But I believe that, with properly-detailed acknowledgement by defendants of their participation in the crimes for which they acknowledge guilt and make genuine expressions of remorse, plea agreements can play a constructive role.

In some cases, a forthright and specific acknowledgement of guilt may offer victims as much, or even more, consolation than would a conviction

following repeated protestations of innocence. Moreover, as a practical matter, the cooperation secured through plea agreements, which of course are not binding on the Tribunal, plays an important role in securing convictions of more important participants in the large-scale crimes, and the time and resources saved by avoiding trials in some cases contributes significantly to the Tribunal's ability to meet the time lines indicated by the Security Council for the completion of its work.

With those deadlines in mind, the Tribunal has worked hard this past year to advance its completion strategy, a plan of internal reforms and external initiatives designed to enable the Tribunal to finish its work within the deadlines set by the Security Council.

Internally, we have undertaken a series of judicially initiated reforms designed to improve the efficiency of our proceedings. The most important of these was the removal of the ban on ad litem judges adjudicating in pre-trial matters. At my urging, and in accordance with an earlier recommendation by my predecessor, Judge Claude Jorda, the Security Council, on 19 May 2003, unanimously adopted resolution 1481 (2003), amending the Tribunal's Statute to permit ad litem judges to undertake pre-trial work. This reform enables ad litem judges to make more efficient use of their time and to enhance their already important contribution to the work of the Tribunal, thus helping it to bring cases to completion more expeditiously.

At plenary meetings in December 2002 and July 2003, the judges adopted a number of amendments to the Tribunal's rule of procedure designed to improve efficiency. One revises the methods for permitting continuation of trials when one of the judges hearing the case is unable to continue, thus reducing the risk of mistrials and retrials. Another gives Trial Chambers enhanced authority to restrict the scope of the prosecution's case, thus avoiding the presentation of redundant and unnecessarily time-consuming evidence.

Externally, the past year has seen a major advance for the completion strategy through the advancement of a plan to create a special war crimes chamber in the State Court of Bosnia and Herzegovina. The establishment of the war crimes chamber in Sarajevo will provide a forum to which the Tribunal may transfer a number of cases of lower- and mid-level accused. In anticipation of the Chamber's creation, the Tribunal judges amended rule 11 *bis* at a special plenary meeting in September 2002 to set out the criteria that must be satisfied before a case may be referred to a domestic court once an indictment has been confirmed.

After months of negotiation, in February 2003 President Jorda entered into an agreement with the Office of the High Representative (OHR) for the establishment of the new chamber. In August, the Security Council added its imprimatur through the adoption of resolution 1503 (2003). A donors' conference will be held on 30 October at the Tribunal in The Hague, and a series of working groups composed of personnel from OHR, the Tribunal and other interested organizations will develop the detailed policies needed to get the War Crimes Chamber running.

While the completion strategy has made major strides in the past year, I look forward to equally important developments in the year ahead. First, as the Security Council made clear in resolution 1503 (2003), the completion strategy requires a further focusing of the Tribunal's mission on trying the most significant offenders against international public order. The Prosecutor, of course, possesses the authority to select the individuals who will be charged before the Tribunal. Thus, it is primarily the Prosecutor's responsibility to ensure compliance with the Security Council's direction that the Tribunal concentrate on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within the Tribunal's jurisdiction.

While we are striving in every way possible to meet the goals of completing all trials by the end of 2008 and all appeals by the end of 2010, one cannot predict with scientific accuracy the completion date of judicial proceedings. Many factors may affect the outcome. Some of those influences are within the control of the Tribunal, others not; and of the former, some are within the control of the judges and others within the power of the Prosecutor.

I am happy to report that we should be able to complete the trials of all individuals currently in the custody of the Tribunal, including those on provisional release — both individuals whose trials have already begun and individuals who are in pre-trial proceedings — by the 2008 deadline.

Already confirmed indictments cover an additional 17 individuals who are at large. The sooner fugitives are turned in, the greater the number of guilty

pleas that will be received; and the greater the number of cases that can be transferred to Sarajevo, the sooner we will be able to finish the trials of these cases. Subject to a variety of circumstances, it may be possible to complete the trials of some indicted fugitives within the time frame established for the 2008 deadline, but it will not be possible to complete them all by that time.

The handing over of fugitives, of course, is outside the Tribunal's control. It depends above all on the cooperation of the States of the former Yugoslavia. I join my predecessors in urging the Assembly to press all Member States to cooperate fully and promptly with the Tribunal's work.

I recently travelled to Belgrade on the first ever official visit there by the Tribunal's President, and I am encouraged by an emerging spirit of cooperation with the Tribunal. This is a good beginning. But much remains to be done — on arrests of fugitives, access to evidence and facilitation of witness testimony, especially by present and former officials.

I must tell the Assembly that, based on current projections, it will not be possible to accommodate new indictments within the time frame indicated by the Council. I say this while fully recognizing that it is the Prosecutor's prerogative to select the individuals against whom she will file indictments and that if the Prosecution has sufficient evidence to make a prima facie case, we judges must confirm the indictments. One thing must be clear, however: once indictments have been submitted and confirmed by the judges, the legal process will have started, and will have to run its course, in accordance with the governing law and the demands of due process. A strict application of the target dates for the completion strategy must not — I repeat, must not — result in impunity, particularly for the most senior leaders suspected of being most responsible for the crimes within the Tribunal's jurisdiction.

Secondly, as I noted a moment ago, with respect to the Sarajevo War Crimes Chamber, we are moving from plans to action. We should be able to begin transferring some cases by 2005.

Thirdly, we are continuing to search for ways to streamline our procedures. I have revitalized a committee of judges called the Judicial Practices Working Group, giving it a mandate to develop and analyse proposals to shorten trials and speed the hearing of appeals. The Prosecutor has recently circulated a group of proposals with the same goal in mind, and the judges are actively considering and reshaping a number of them. The Rules Committee of the judges has some of these proposals submitted by the Prosecutor under active consideration. The Committee will recommend a package of reforms aimed at improving the rules of disclosure, pre-trial management and presentation of evidence to the judges during the regular plenary meeting in December. The purpose is to balance the interests of the Prosecutor and the accused so that the task of the former is manageable, while the rights of the latter to a fair trial remain protected.

Ten years ago, the Security Council created the International Tribunal for the Former Yugoslavia with the goal of putting an end to impunity for mass atrocities and serious violations of international humanitarian law. During the past decade, with the constant support of the Assembly, the Tribunal has made a fundamental and lasting contribution to bringing justice to the peoples of the former Yugoslavia by holding to account a considerable number of accused of high rank.

Ensuring that justice is done requires skilful work, on the part not only of the Tribunal's judges, but also of its staff. It will be more and more difficult — particularly as the completion of the Tribunal's work comes into sight — to retain and attract staff of the highest calibre unless opportunities for advancement are made available. The creation of additional criminal jurisdictions creates additional pressure in this regard. I hope that the members of the Assembly and of the Security Council will recognize the importance of this issue and support our proposals to address it.

Let me conclude by saying that if we are to complete our mission in a timely fashion, we must have the support, not only of this Assembly as a collective body, but also of each and every one of its members, especially the States of the former Yugoslavia. Fugitives must be arrested, above all Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina. Evidence must be turned over promptly. Only then will the Tribunal be able to complete the important mission assigned to it by the Security Council a decade ago.

Mr. Mustapha (Malaysia): I should like first of all to congratulate Judge Erik Møse on his recent appointment as the new President of the International

Criminal Tribunal for Rwanda (ICTR). I commend Judge Erik Møse and Judge Theodor Meron, the President of the International Tribunal for the Former Yugoslavia (ICTY), on their introduction of the reports of the two Tribunals.

Malaysia fully appreciates the achievements made, and the difficulties faced by, the two Tribunals, as reflected in the reports before us. We commend the members of the Chambers, the Prosecution and the Registry for their hard work and for their contributions.

The Tribunals have a significant role in promoting the rule of law and in ensuring that the principles of justice and equality are upheld. The importance of the work of the Tribunals in the fight against impunity for the most serious crimes against humanity is not to be underestimated. The Tribunals demonstrate that genocide and other serious violations of international humanitarian law will not be tolerated and that the perpetrators of such crimes must face retribution. The Tribunals contribute to the essential process of making the international criminal justice system effective, and induce States to fulfil their responsibilities in bringing to justice people who have committed despicable acts and atrocities against other people.

We acknowledge the fact that the high-quality judgments and decisions of the Tribunals have contributed, and will continue to contribute, to the development of international jurisprudence related to international criminal prosecution. Undoubtedly, case law developed by the Tribunals will also further augment case law on international humanitarian law in respect of procedure, competence and substantive issues. This, in turn, will pave the way for the future work of the International Criminal Court.

I will first comment on the activities of the ICTR.

We are pleased to note the continued efficiency in the operations of the ICTR and the improvements made that have enabled it to accelerate its work. The availability of simultaneous translation and the changes made to the rules of procedure and evidence to facilitate proceedings are among the welcome improvements that will indeed contribute to avoiding needlessly lengthy trials. We recognize that extreme care has been taken to balance efficiency in expediting trials with fair trial procedure.

We deem timely the creation of the Coordination Council, to facilitate coordination of the three organs of the Tribunal; the Management Committee, to supervise Registry activities relating to administrative and judicial support to the Chambers and judges; and the External Relations and Strategic Planning Section, to enhance the cooperation between the Tribunal and Governments, international organizations and non-governmental organizations. Their creation will undoubtedly enhance the Tribunal's judicial capacity and its ability to fulfil its mandate.

The election of the pool of 18 ad litem judges for the Tribunal took place on 25 June 2003. Among the newly elected ad litem judges is a distinguished former member of the Malaysian judiciary who is ready and able to assist the Tribunal. Malaysia once again extends its appreciation to Members of the United Nations for having elected him to that position. We believe that the ad litem judges will allow the Tribunal remarkably to increase its judicial productivity and to meet the demands of the anticipated rise in the number of cases.

We note the restriction faced by the Tribunal in availing itself of the pool of ad litem judges. We hope that the Security Council will take cognizance of the problems faced by the Tribunal in this regard and take appropriate steps to address them. We believe that the Tribunal must be given the opportunity fully to utilize the pool of ad litem judges as it deems reasonable, fit and necessary. The Tribunal must be in a position to undertake its tasks efficiently, so that detainees are spared undue delays in the completion of their trials.

The adoption of Security Council resolution 1505 (2003) on 4 September 2003 marked an important development in the history of the ICTR. Indeed, the splitting of the prosecutorial duties for the ICTR and the ICTY — which had previously been under one Prosecutor, Ms. Carla Del Ponte — was essential at a time when both Tribunals were moving towards their respective completion strategies. That move will enable the respective prosecutors to focus their attention on the conduct of outstanding investigations and prosecutions. We wish to thank Ms. Del Ponte for her significant contribution to the work of the ICTR. We also congratulate Mr. Hassan Bubacar Jallow on his appointment as the new Prosecutor of the ICTR.

The Prosecution's constant revision and reforms to meet its targets in fulfilling the mandate of the Tribunal is commendable. They will facilitate further progress in the work of the Prosecution. In this regard, we note that the Prosecution has identified 40 suspects

and intends to defer their prosecution to national jurisdictions. That move will pave the way for the Tribunal fully to concentrate on trying those who bear the greatest responsibility for crimes committed. However, caution must be exercised in implementing this arrangement, so as to ensure that no perpetrator goes unpunished.

It is critical to the success of the Tribunal that the people of the region be informed of its work and comprehend its significance. We appreciate the perseverance of the Registrar in promoting greater awareness of the Tribunal and in engaging the interest and support of the local population, the States of the region and the international community. We encourage him to continue his efforts. We are also pleased to note the continued success of the outreach programme, as well as gender and victims assistance programmes.

I would now in turn comment on the activities of the ICTY. Malaysia is mindful that the process of achieving justice may take many years. At the same time, we are always reminded of the saying, "justice delayed is justice denied". The ICTY is now in its eleventh year of existence. The reform process of the Tribunal, initiated to speed up the process of meting out justice is proceeding smoothly. My delegation is pleased to note that, to date, the Tribunal has indicted 74 individuals, 56 of whom are currently in proceedings before the Tribunal and 51 in detention. The Tribunal had also completed 35 cases. We appreciate the work done so far.

However, we note with great concern that 17 individuals are still at large. The delayed apprehension of these individuals, in particular the major and earliest indicted war criminals, Radovan Karadzic and Ratko Mladic, should be a matter of serious concern to the international community. They must be apprehended and brought to justice. Those concerned must use every means to achieve this objective. The mandate of the Tribunal will not be complete if they remain at large and are not brought to trial. In this connection, the commitment by the countries in the region to genuine cooperation with the Tribunal in handing over indicted war criminals believed to be in their territories is critical. The countries concerned must meet without hesitation the call for cooperation by the Prosecutor. Otherwise, the completion strategy of the ICTY will be delayed.

The mandate and objectives of the ICTR and ICTY will only be achieved with the fullest cooperation of the international community, particularly the countries in the regions concerned. Needless to say, the sustained commitment by the major Powers will also be crucial. The consequences of ethnic cleansing and crimes against humanity that were perpetrated in Rwanda and the Balkans must be repaired through justice. Such heinous crimes must not be tolerated and must never be allowed to happen again. Without justice there can be no genuine peace. In reiterating its fullest support for both the Tribunals, Malaysia calls, once again, on the international community to give its unreserved support to the ICTR and ICTY in carrying out their respective mandates.

Mr. Kusljugić (Bosnia and Herzegovina): Bosnia and Herzegovina welcomes the report that the President of the International Tribunal for the former Yugoslavia (ICTY) submitted to the Secretary-General. I would also like to take this opportunity to thank both President Judge Meron and Chief Prosecutor Del Ponte for the outstanding efforts they make to bring justice, which will contribute to the reconciliation process in my country.

Bosnia and Herzegovina fully supports the ICTY's activities and is committed to fulfil its obligations related to cooperation with the Tribunal. We are committed to stay the course for the strategy of success that has been defined to overcome, as soon as possible, the difficult legacy of the past and to start building, with mutual understanding, a modern Bosnia and Herzegovina. Only in that way may we pass along to future generations a message of a world of peace and development, based on mutual understanding and tolerance.

We consider that the Tribunal plays an important role in the process of inter-ethnic reconciliation in the country as well as in South-East Europe, since its work is based upon establishing individual responsibility for the war crimes. We also believe that the work of the ICTY will reveal new evidence regarding the atrocities committed between 1992 and 1995, thus providing new facts about the true nature of the conflict in the region.

We stress that in the past, the responsible institutions of Bosnia and Herzegovina, in cooperation with the experts of the Office of the High Representative, have made measurable progress, especially in the process of restructuring the Bosnia and Herzegovina court systems at all levels. The new Legal Reform Unit, High Judicial and Prosecutorial Councils and Special Chamber in the State Court, as

well as the Special Department in the Prosecutor's Office in the country, are now functioning. Together with the Criminal Code, which entered into force on 1 March 2003, the Court of Bosnia and Herzegovina is now operative. This will enable the ICTY to begin to transfer some mid- and low-level cases of the accused by the end of next year. However, we expect that the apprehension and trial of the most notorious offenders will remain the continuing responsibility of the United Nations and the international community.

Bosnia and Herzegovina trusts that the ICTY will take every possible measure to complete investigations by the end of 2004, all activities of the Court of First Instance by the end of 2008 and all work in 2010, as decided in Security Council resolution 1503 (2003) of 28 August. In order to better meet the requirements of Security Council resolutions with regard to the work of the ICTY, especially resolution 1503 (2003), Bosnia and Herzegovina is fully committed to fulfil all its obligations and is ready to cooperate with the responsible authorities of the countries of the region in apprehending all remaining persons at large who have been indicted by the ICTY. Bosnia and Herzegovina expresses its hope that, as part of the completion strategy, the international community will assist the national judicial system by improving its capacity to prosecute cases transferred to it from the ICTY. Bosnia and Herzegovina expects that the ICTY will develop and improve its outreach programmes as well.

The war criminals who remain at large are a continuing source of instability in the region. We underline that lasting and stable peace in the region will not be achieved unless all suspected war criminals, including the two most notorious, Radovan Karadzic and Ratko Mladic, are brought to justice.

I would like to take this opportunity to urge the Member States to provide all necessary technical, financial and political support for the forthcoming preparatory activities, as well as the contributing nations to pledge their generous support at the donors conference, to be held on 30 October in The Hague, in order to enable the Special Chamber in the State Court of Bosnia and Herzegovina to become fully operative as soon as possible.

Mr. Mantovani (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the associated countries Bulgaria, Romania and Turkey; and the European Free Trade Association countries, members of the European Economic Area, Iceland and Liechtenstein, declare that they align themselves with this statement.

The International Criminal Tribunal for Rwanda (ICTR), through its work, has made and continues to make a substantial contribution to the replacement of a culture of impunity by a culture of accountability, thus playing an important role in the process of national reconciliation in Rwanda and in the maintenance of peace and security in the region. Together with the International Tribunal for the Former Yugoslavia (ICTY), the Rwanda Tribunal has been contributing to the development of international criminal law. The two ad hoc Tribunals represent a cornerstone in the universal affirmation of the principle that, in the words of the Secretary-General,

> "there can be no healing without peace; there can be no peace without justice; and there can be no justice without respect for human rights and the rule of law".

With great satisfaction, the European Union takes note of the recent efforts of the Tribunal. In the past year, nine trials, involving 23 accused, have been conducted, while judgements have been delivered in three cases involving four accused. The European Union therefore would like strongly to reaffirm its full support for ICTR, its work and its mandate as one of the main tools of our collective determination to bring peace to societies disrupted by atrocious conflicts.

We are all aware, of course, that, since its inception, ICTR has faced a number of practical difficulties which have rendered the performance of its tasks at times not easy and burdensome. In addition, the complexity of the cases, the need for voluminous disclosure and translation of documents, the transportation of witnesses from all parts of the world and the availability of witnesses — all these facts contribute to the disappointingly slow pace of trials at ICTR to date.

However, the Tribunal has put considerable effort into overcoming the many obstacles that it has encountered so far and has adopted a number of measures aimed at expediting pre-trial and trial proceedings. In particular, the progress and advancements achieved in the Tribunal's work over the past year are described in the new annual report submitted by its President, whom the European Union

would like warmly to thank for his work. The European Union takes this opportunity to welcome the new President of ICTR, Judge Erik Møse, and to thank the former President, Judge Navanethem Pillay — now judge of the International Criminal Court — for the accomplishment of her duties and wishes them both every success in their new endeavours.

The European Union further welcomes the election on 25 June 2003, pursuant to Security Council resolution 1431 (2002), of a pool of 18 ad litem judges and the fact that a number of them have already been called to work on some of the Tribunal's cases. At the same time, the European Union recommends increasing — as underlined in the report of the President of the Court — the number of ad litem judges as soon as possible in order to ensure a timely completion of ICTR's mandate. Furthermore, the amendment of the Statute must lead to an increase of judicial output and contribute to the overall completion strategy. The European Union reiterates the importance of ICTR's making every effort to respect the deadlines of the completion strategy — namely, 2004 for the completion of investigations, 2008 for the completion of trials and 2010 for the completion of appeals.

All the branches of the Tribunal have demonstrated continued dedication in their work, in particular the Prosecutor. During the period under review, the Prosecutor's Office has continued to implement its strategy in investigating new cases and preparing some of the most complex cases for trial, in view of the timely completion of the assigned task.

By its resolution 1503 (2003), the Security Council further decided to amend the Statute of the Tribunal in order to split the positions of Prosecutor of ICTY and the Prosecutor of ICTR with a view to easing the prosecutorial workload in the implementation of those Tribunals' respective completion strategies. The European Union would like to express its highest appreciation for the efficient and knowledgeable work done by Ms. Carla Del Ponte, former Chief Prosecutor of both Tribunals, and to express its strong support for her future commitment as Prosecutor of ICTY. The European Union also welcomes the prompt appointment of Mr. Hassan Bubacar Jallow as Prosecutor of the Rwanda Tribunal and wishes him well in his new position. The European Union calls on the Presidents and Prosecutors of ICTY and ICTR to continue their cooperation in order to maximize the efficient use of the intellectual and financial resources of the two Tribunals.

Any efforts aimed at improving the Tribunal's work and completion of its mandate within the established time frame are bound to bring no results if cooperation from the States concerned is not guaranteed. For this purpose, it remains crucial for ICTR to obtain adequate facilities and full cooperation from these States whenever required, with particular attention to access to military information and to collaboration in securing the appearance in Court of prosecution witnesses. The European Union in particular calls on the Rwandan authorities to ensure that they facilitate, to the fullest extent possible, the performance of the Tribunal's mandate and the determination of responsibilities for crimes committed in Rwanda in 1994 for which the Tribunal is competent.

While recognizing that room for improvement still exists and that further measures can be taken either to remedy perceived problems or to increase further the efficiency of the Tribunal, the European Union trusts that, due to recent innovations in its structure and working methods, as well as to the hard work of all its staff, the Tribunal will be able to continue to make steady and successful progress towards the timely fulfilment of its mandate.

I turn now to the International Criminal Tribunal for the Former Yugoslavia. The European Union has, on a number of occasions, stressed that it attaches the highest importance to the principle that there must be no impunity for those responsible for the most heinous crimes. The European Union wishes to take the opportunity of today's meeting to reaffirm its strong belief in international criminal justice and in the contribution that that can bring to the peace and security of relations among States. The ICTY, through the work of its Courts and its outreach activities, has made a valuable contribution to reconciliation in the former Yugoslavia. The European Union therefore once again reaffirms its support for the Tribunal and commends its entire staff for their efforts to bring justice to victims of genocide, war crimes and crimes against humanity.

The European Union welcomes the tenth annual report of the Tribunal's President and praises the developments and improvements achieved during the past year. The European Union would also like to take this opportunity to welcome the new President of the

ICTY, Judge Theodor Meron, and to express its appreciation to the former President, Judge Claude Jorda, now a Judge of the International Criminal Court, for the accomplishment of his duties. We wish both of them every success in their new endeavours.

In addition to its recent activity that led to the successful conclusion of several cases, the Tribunal has pressed forward with plans to improve its efficiency, involving essentially a two-pronged strategy of both internal and external reforms. Notably, the European Union welcomes the most important internal reform, removal of the prohibition on ad litem judges adjudicating in pre-trial proceedings. In May, the Security Council unanimously adopted its resolution 1481 (2003), amending the Tribunal's Statute so as to enhance the powers of ad litem judges in that regard. That reform will undoubtedly maximize the Court's use of available judicial resources and increase judicial output at the pre-trial stage; it will be an important tool in the finalization of the ICTY's completion strategy. The European Union reiterates that it is important that the ICTY make every effort to respect the deadlines of the completion strategy: namely, 2004 for the completion of investigations, 2008 for the completion of trials and 2010 for the completion of appeals.

Prosecutorial activities have intensified with a view to achieving the goals of the completion strategy. In that context, as I have already stated, the Secretary-General has concluded that the two Prosecutors' offices, for the ICTY and for the International Criminal Tribunal for Rwanda (ICTR), generate too high a workload for only one person to deal with. As a result, the Security Council — as the Assembly is already aware — has decided that, in order for both Tribunals to effectively carry out their mandates in the final phase of their existence, each of them will need one dedicated Prosecutor. In that context, the European Union, as a sign of its highest appreciation for the excellent work Prosecutor Del Ponte has carried out, has fully endorsed her re-election for a full mandate as ICTY Prosecutor. The European Union calls on the Presidents and Prosecutors of the ICTY and the ICTR to continue their cooperation to maximize the efficient use of the intellectual and financial resources of the two Tribunals.

Regarding the external component of its completion strategy, the European Union supports the efforts to establish a special Chamber for war crimes prosecutions — a "War Crimes Chamber" — in the State Court of Bosnia and Herzegovina and welcomes the cooperation between the ICTY and the Office of the High Representative in that respect. The European Union reiterates its appeal to the Tribunal to ensure that the necessary standards of fair trial, independence and full respect for human rights are also respected within trials in national courts and takes note with appreciation of the activities undertaken to that end, particularly the establishment of the Association of Defence Counsel, in September 2002.

It has been emphasized many times that the success of the Tribunal in the discharge of its mandate depends largely on full cooperation on the part of States and on their willingness to implement its decisions and orders. Although the situation has improved in a number of aspects, the Tribunal continues to encounter obstacles and resistance. In that regard, the European Union, recalling the pledge to cooperate fully and unequivocally with the ICTY, made by the countries of the region at the European Union-Western Balkans Summit, held at Thessaloniki in June 2003, calls upon them to improve their cooperation with respect to the arrest and transfer of indictees still at large, requests for documents, access to archives and the ready availability of witnesses. It reiterates the need to intensify efforts to transfer Radovan Karadjic, Ratko Mladic and Ante Gotovina to the ICTY for trial. The European Union reaffirms that full cooperation with the ICTY on the part of the countries of the Western Balkans remains an essential element of the European Union's Stabilization and Association Process. Failure to cooperate fully with the ICTY would seriously jeopardize further movement towards the European Union.

The European Union, assuring both Courts of its full support, wishes to thank all the branches of the Tribunals — the Chambers, the Registries and the Offices of the Prosecutors — for their essential contribution to the culture of justice and the rule of law.

Mr. Lovald (Norway): Let me begin by expressing our full recognition of the achievements and the high standards of the International Tribunals for Rwanda and the Former Yugoslavia, as reflected in various judgements as well as in the reports before us. We should like to thank the Presidents of the Tribunals for their detailed annual reports, which in our view accurately reflect the progress made during the period under review.

First, let me take this opportunity to welcome the new Presidents, Judge Theodor Meron and Judge Erik Møse, and to thank the former Presidents, Judge Jorda and Judge Pillay — both now judges of the International Criminal Court — for the accomplishment of their duties. We wish all of them every success in their new endeavours. I also congratulate the two Prosecutors: Ms. Carla Del Ponte, on her reappointment, and Mr. Hassan Bubacar Jallow, who began his four-year mandate as the Prosecutor for the Rwanda Tribunal on 15 September. We assure them of our full confidence, support and cooperation.

While the work of the Tribunals has been aimed principally at contributing to peace and security in Rwanda and the former Yugoslavia, they have a broader significance as well. The Tribunals represent historic first steps towards ending the tradition of impunity for mass atrocities by establishing effective systems of international criminal law. The work of the Tribunals has become a widely recognized contribution to the search for truth and the fight against impunity for the most serious crimes of international concern; thus it can also assist in the process of rebuilding civil society under the rule of law. The judgements delivered by the Tribunals are essential contributions to jurisprudence in the field of international criminal law. The continuing work of the ad hoc Tribunals also paves the way for the work of the International Criminal Court.

During the period under review, the International Criminal Tribunal for Rwanda (ICTR) has continued its efforts to avoid needless consumption of time. The measures implemented by the Tribunal to better streamline the conduct of business so that capacity is utilized to the maximum have yielded tangible results.

Bearing in mind the resources required to try the most serious international crimes, we are impressed and encouraged by the fact that the total result of the Tribunal's second mandate aims at doubling the number of accused who have been tried, compared to the first mandate. It is the responsibility of every Member State to help the Tribunal continue this progress.

The timely completion of the Tribunal's mandate is also dependent upon added resources. We are therefore very pleased that the Security Council reached agreement on resolution 1431 (2002) in August, with a view to creating a pool of ad litem judges. Norway welcomes the successful election of the 18 ad litem judges in June 2003, but it regrets the fact that only four ad litem judges can sit at any one time. We have previously stated concerns about certain financial and management issues, mainly related to defence counsel and legal aid. We have noted the Tribunal's efforts to improve the legal aid programme in order to ensure the efficient use of resources and the protection of the integrity of the Tribunals' judicial process. We look forward to the forthcoming external consultant report on fee assessment, which, hopefully, will provide recommendations on how to establish a new system of payment acceptable to all.

The pace of activities of the Tribunal for the Former Yugoslavia has also reached an all-time high during the period under review. Both internal and external reforms have been successfully implemented, leading to a remarkable increase in its judicial activity, thanks not in the least to the additional nine ad litem judges. We warmly welcomed in May the adoption of Security Council resolution 1481 (2003), enhancing the powers of the ad litem judges by naming them to adjudicate over pre-trial matters. The ad litem judges can now make more efficient use of their time and enhance their already-important contribution to the work of the Tribunal, thus helping it to bring cases to completion more expeditiously.

To a large extent, the success of the Tribunals in the discharge of their mandates depends on the support of Member States. We therefore regret that problems relating to international cooperation have continued to be an obstacle to the Tribunals in the completion of their mandates. Positive signals from Rwandan authorities in that respect are indeed promising. Without bringing the highest-ranking indictees to justice, the essential mission of the Tribunals will remain unfulfilled. We reiterate the need to intensify efforts to bring Radovan Karadzic and Ratko Mladic to the ICTY. All States must now recognize their non-negotiable duty to cooperate with the Tribunals, in accordance with the binding decisions of the Security Council.

The Norwegian Government has demonstrated its willingness to consider applications from the ICTY concerning the enforcement of sentences, and subsequently, in conformity with national laws, to receive a limited number of convicted persons to serve their sentences in Norway. We encourage other States to prove their continued commitment to the work of the Tribunals through concrete action in this crucial field.

Let me conclude by reiterating our satisfaction with the remarkable achievements of the Tribunals during the period covered by the present report. We recognize, however, the hard work that lies ahead. Members must rest assured that we will stand by our longstanding commitment to the Tribunals to successfully complete the mission assigned to them by the Security Council.

Mr. Drobnjak (Croatia): A decade ago the International Tribunal for the Former Yugoslavia (ICTY) was created with the purpose of restoring and maintaining peace in the war-torn areas of the former Yugoslavia by putting an end to grave violations of international humanitarian law and bringing to justice the persons responsible for them. Moreover, one of the ICTY's earlier reports elegantly embodies the far-reaching meaning of the Tribunal's work when it states that the Tribunal performs the role of justice and memory. That definition of purpose further underscores the need for keeping ICTY activities in line with the sensibility of States under its jurisdiction for the benefit of the historical record that shall be established through the Tribunal's jurisprudence. That record is equally important, as is the obligation to serve law and administer justice.

As part of its authority to transcend national borders in the prosecution of war crimes, while giving primacy to individual rights over State sovereignty, the establishment of the ICTY was a far-reaching step forward in expanding the boundaries of international law. The establishment of the Tribunal has sent a powerful message: nobody is above the law, regardless of whether one is a high-level official or a simple soldier; whether one is a war hero or a ruthless dictator. This principle was best exemplified in the indictment and trial of Slobodan Milosevic, the first head of State to be charged for war crimes, crimes against humanity and genocide before an international tribunal, and the main culprit for the war and the destruction and unspeakable suffering it brought to the area of the former Yugoslavia during the last decade of the past century.

In establishing an extensive judicial record in the uncharted waters of international criminal adjudication, the Tribunal, together with the International Criminal Tribunal for Rwanda (ICTR), continues to contribute to the development of humanitarian law, thereby creating a founding legacy for the future work of the newly established International Criminal Court (ICC).

As much as we praise the ICTY's importance and accomplishments, as it continues to carry out its laudable mission, we also have to recognize some of its shortcomings. The Tribunal is above national laws, but it should not be above well-founded criticism. Acknowledgement of the Tribunal's deficiencies is an essential step towards the perfection of its work.

Utmost efficiency still cannot be easily associated with the ICTY, although an important improvement was recently achieved. With a growing budget that exceeds $1 billion per year, it is proving very expensive. Its trials are removed from the countries and communities where the war crimes were perpetrated, thus at times failing to produce a full impact on the local communities. Over the years, moreover, a number of procedural flaws have had to be corrected through repeated interventions regarding rules of procedure.

Regarding the aforesaid, I would like to draw Members' attention to two practical issues. As we know, not all the indicted persons before the Tribunal were found guilty. Cases of acquittal demonstrate impartiality and efficiency of justice. At the same time, the denial of an effective mechanism allowing for compensation risks the impairment of an important aspect of the acquitted person's rights. Croatia believes, therefore, that the jurisdiction of the Tribunal should be broadened by putting in place the appropriate procedure that would enable it to award compensation to wrongly convicted, prosecuted or detained persons.

As for the enforcement of sentences, one has to raise the following question: to what extent does serving a sentence in States very far from the former Yugoslavia, sometimes in a very different socio-cultural environment, appear to be in line with international instruments that require prisoners to be imprisoned reasonably near their usual place of residence? The existing instruction, dating from 1993, envisaged the enforcement of sentences outside the area of the former Yugoslavia. Nevertheless, we would like to use this opportunity to reiterate our request to the Secretary-General to review the instructions of his predecessor regarding these arrangements, so as to allow for the serving of sentences in the countries of the region, including Croatia.

Certain interpretations by the Prosecutor of the historical background and political genesis of the conflict in the area of the former Yugoslavia, as well as of the character of the consequent military operations, appears not to be fully in line with the General

Assembly resolution on the occupied territories of Croatia and the spirit of several important Security Council resolutions. The same could be said of some of the indictments. It is of the utmost importance not to send the wrong message about the primary causes of the war carnage during the nineties. Unfortunately, some of the indictments are perceived by those who lived and suffered through the war in the former Yugoslavia as a distortion of reality when it comes to the true architects of war crimes in Croatia and Bosnia and Herzegovina.

In spite of the imperfections of the International Tribunal for the Former Yugoslavia (ICTY), it must surely be commended for its work and achievements. Croatia joins those who salute the ICTY and its tireless efforts to bring to justice all those responsible for war crimes in the area of the former Yugoslavia, regardless of their national or ethnic background.

In recent years, the international community's preference has shifted towards different types of international criminal tribunals, as in Sierra Leone or Cambodia. This practice should be pursued further. These so-called mixed-type tribunals are not only closer to grass-roots level communities where the crimes were committed, but are also composed partially of local jurists. However, any form of ad hoc jurisdiction that comes into being only after the outbreak of crimes is nothing but a palliative. We therefore hope that the International Criminal Court (ICC), as a permanent supranational structure with prospective and non-selective jurisdiction, will grow into a powerful guardian of human rights in times of conflict, deterring future crimes and obviating the need for ad hoc adjudication.

The ICTY's completion strategy, formalized by recent Security Council resolution 1503 (2003), brings us a step closer to the efficient and successful achievement of the Tribunal's mission. We are encouraged by the important reforms that the Tribunal has undertaken in order to conduct its operations within a precise timetable. Their effect can already be felt in the intensified trial activities.

Against this background, we also welcome the separation of mandates of the Prosecutors of the ICTY and the International Criminal Tribunal for Rwanda (ICTR). This should contribute to the efficiency and effectiveness of these Tribunals, since two Prosecutors can devote undivided attention and energy to the organization, oversight, management and conduct of the outstanding investigations and prosecutions. Respecting the benchmarks — such as the completion of all investigations by the end of 2004 and coming up with a final number of new indictments by that date — is not only a question of the effective administration of justice, but also not a small contribution to the prevention of potentially harmful political tensions in the countries concerned.

We are fully aware of the critical importance of full cooperation with the ICTY for the successful completion of its tasks. Croatia will continue to offer unreserved concrete support and provide all the necessary assistance requested by the ICTY and the Office of the Prosecutor. It will undertake, within its own borders, all measures required to prosecute perpetrators of war crimes, insofar as they are within the reach of its judicial system.

As for the outstanding indictment against retired General Ante Gotovina, who is still at large, the Government keeps the Office of the Prosecutor regularly updated on the activities it has been undertaking to discover his whereabouts. Consistent with the Rules of Procedure and Evidence of the Court, on 6 October this year, the Government of Croatia submitted its third report pursuant to rule 59 of the Court, describing the actions undertaken in order to execute the warrant of arrest.

When it comes to the issue of cooperation between the ICTY and Croatia, I can inform the Assembly that there are no outstanding problems in gaining prompt access to specific documents for the purposes of the ICTY's proceedings. The recent visit of the Special Prosecutor to Croatia confirmed that.

In regard to the report of the ICTY contained in document A/58/297, we commend the effort invested in such a comprehensive and voluminous report, but we can not agree with every single line in this document.

The Tribunal's exit strategy has rightly recognized the importance of bringing the war crimes trials to a local level. In that regard, we welcome the efforts aimed at assisting national jurisdictions in improving their capacity to prosecute cases delegated to them by the ICTY, further endorsed in Security Council resolution 1503 (2003). In Croatia, a number of war crimes are being investigated and prosecutions are being launched. Furthermore, the Government has introduced legislation that, while facilitating future

cooperation with the ICC, also strengthens the capability of the domestic legal system for prosecuting war crimes. Croatia is ready to cooperate closely with the ICTY in conducting such trials. Under the existing legislation, ICTY representatives are entitled to follow the proceedings and have access to court files, while evidentiary material obtained by the ICTY can be used directly in domestic trials.

A readiness for a broader and more transparent international monitoring of war crimes trials has been indicated. We are pleased that the report notes this positive trend in the cooperation between the Office of the Prosecutor and the Office of the State Attorney of Croatia in regard to prosecutions before national courts. We feel confident in taking up this demanding task.

Mr. Šahović (Serbia and Montenegro): Allow me to extend the appreciation of my delegation to the President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Theodor Meron, for the comprehensive report on the Tribunal's work in the past year and his introductory analysis, which we have just heard. We have studied the report and its conclusions with great attention.

I would also like to express our pleasure with President Meron's recent visit to Serbia and Montenegro and the fruitful talks my Government had with him. We highly appreciate his recognition of the improved cooperation of our country with the ICTY. As our highest officials reiterated during this visit, complying with its international obligation to cooperate with the Tribunal is Serbia and Montenegro's priority.

My Government emphasizes its support for the internal reforms undertaken by the ICTY, designed to improve the efficiency of the Trial Chamber's proceedings. We take note of the increased number of simultaneous trials and the enhanced capacity of the Tribunal to expeditiously process cases. My Government particularly welcomes the report's assessment that these reforms are part of efforts to bring the ICTY's work to an orderly close, in accordance with the completion strategy approved by the Security Council. We welcome the establishment of a special War Crimes Chamber for prosecutions in the State Court of Bosnia and Herzegovina as an encouraging step in that direction.

The referral of lower-level cases to competent national courts constitutes an important part of the completion strategy. My Government believes it is time for the Tribunal to start considering the possibility of referral of certain cases to other national jurisdictions in the States of the former Yugoslavia. In that context, we are looking forward to cooperation between the ICTY, in particular the Prosecutor's Office, and the appropriate judicial bodies in Serbia and Montenegro.

Both by its willingness to cooperate with the ICTY and to try war crimes cases before its own courts, Serbia and Montenegro is seeking to contribute to the attainment of the completion strategy goals. Before our national courts, there are currently seven war crimes trials.

In addition, we are working to develop the capacities of local judiciary to deal with complex proceedings of this nature. We recognize the necessity of international guidance and assistance in this important field, which is welcome. Recent legislation has enabled the establishment of a special prosecutor's office for war crimes. In accordance with the recommendations of the Organization for Security and Cooperation in Europe, this office will function as an independent body, subordinate only to the Assembly of the Republic of Serbia. The recently adopted law on the organization and competencies of the State authorities in proceedings against the perpetrators of war crimes also provides for the establishment of a special court chamber and a special unit within the Serbian Ministry of the Interior to deal with war crimes cases. I am pleased to say that during his visit to Belgrade, Judge Meron welcomed the establishment of these judicial bodies.

Before turning to specific issues of cooperation between my Government and the ICTY, I would like briefly to mention one aspect of the Tribunal's work which is not often highlighted, but which deserves attention. The outreach programme, designed to familiarize the broad public in the countries of the former Yugoslavia with the activities of the Tribunal, especially with respect to the Trial Chambers, should, in our view, continue. For the programme to be effective, it should be adapted to various segments of the local public, such as the political and legal communities and the population at large. In this way, the programme can also assist Government authorities in their efforts towards further cooperation with the Tribunal.

As for cooperation between my country and the ICTY, I would like briefly to highlight the following facts. First, we have amended the law on cooperation with the Tribunal, in accordance with the ICTY

statutes, deleting provisions that originally placed certain restrictions on the surrender of persons indicted by the Tribunal. Therefore, all internal legal obstacles to full cooperation have been removed.

Secondly, as of 8 August 2002, Serbia and Montenegro had received 17 arrest warrants from the ICTY. From that date to the present, five of the accused on the list voluntarily surrendered and were transferred to the Tribunal, including the former President of Serbia, Slobodan Milosevic. Another three indictees were arrested by the authorities of Serbia and Montenegro and transferred to the ICTY, including the former head of the State Security Agency Jovica Stanisic and the last of the so-called Bukovar-three, Veselin Sljivancanin. In addition, proceedings are currently underway for the transfer of another person indicted for war crimes in Dubrovnik.

Thirdly, as far as access to documentation is concerned, Serbia and Montenegro has handed over to the ICTY volumes of minutes, verbatim records and other classified documents from various State institutions and agencies, including the counter-intelligence service of the Yugoslav army. Altogether, we have handed over to the Tribunal more than 7,000 classified documents since the beginning of 2001.

Fourthly, with regard to access to witnesses, I would like to point out that no less than 130 individuals, including three former heads of State, were released of their obligation not to disclose State, military or official secrets, in order to testify before the ICTY. This process continues.

We hope that the aforementioned will help place in the proper context the issue of my country's cooperation with the Tribunal.

Finally, we support the Prosecutor's commitment to complete the investigations and indictments by the end of 2004. In this context, Serbia and Montenegro welcomes the first indictment against members of the Kosovo Liberation Army for crimes committed in Kosovo and Metohija. We are awaiting with great interest the results of other allegedly numerous investigations of crimes committed against members of minority communities in this province.

For our part, we are firmly of the view that the individual responsibility of all perpetrators of all crimes committed during the conflicts in the former Yugoslavia should be established in proceedings both before the ICTY and the national court. My Government is aware that cooperation with the ICTY is its obligation and that more still needs to be done in that respect. The cooperation with the Tribunal is a process my Government will continue, and in doing so, it will make all efforts to achieve further improvements.

Mr. George (Nigeria): May I take this opportunity once again to congratulate you on your well-deserved election and to reaffirm the support and cooperation of the Nigerian delegation in your determination to steer the deliberations of the fifty-eighth session towards its successful conclusion.

I would also like to congratulate Judge Eric Møse on his recent appointment as President of the International Criminal Tribunal for Rwanda (ICTR) and wish him every success in his new duties.

The Nigerian delegation appreciates the fact that the International Tribunals for both Rwanda and the former Yugoslavia are engaged in a very crucial assignment which is of great importance for humanity. We also believe that the existence of these Tribunals testifies to the collective determination of Member States of the United Nations to stem the propagation of genocide and crimes against humanity. Indeed, the landmark actions by the United Nations to establish these Tribunals has gone a long way in restoring human dignity and respect for fundamental human rights, as well as the rule of law.

It is pertinent to mention also that these Tribunals have helped enforce, through national reconciliation, stability and peace in the countries concerned through the administration of justice. Furthermore, the ad hoc Tribunals have made notable contributions to the development of international criminal justice. Most of all, the ICTR, through its work, has made and continues to make substantial contributions to the replacement of a culture of impunity with values of accountability. Indeed, the decisions of the ICTR, for example, are already creating a substantial body of case law which is already being used by the International Tribunal for the Former Yugoslavia (ICTY), and by State courts worldwide.

There is no doubt that the ensuing developments in international criminal justice will provide a solid foundation for the International Criminal Court (ICC), which has now become a functional judicial institution. In point of fact, the pioneering work of the Registrar of the ICTR in the area of restitutive justice has found a

pride of place in the provisions of the Rome Statute of the ICC. It is against this backdrop that the Nigerian delegation has expressed keen interest in evaluating the current reports of the ICTR and the ICTY.

It is heartening to note that in spite of daunting challenges, such as inadequate infrastructure, complexity of cases, the need for voluminous disclosures and translation of documents, transport of witnesses from all parts of the world and unavailability of witnesses, to mention but a few, the ICTR was able to handle a total of nine trials during its second mandate, involving 14 accused, which is twice the number of accused who have been tried under the first mandate, between 1995 and 1999. It is significant, therefore, to note that the Tribunal will have rendered 15 judgments involving 21 accused persons by the end of this year.

The Nigerian delegation commends the Tribunal for delivering two appeal judgments on the merits, six interlocutory appeal decisions and 19 other decisions and orders during the period under review.

The Nigerian delegation, however, notes its concern with the relatively slow pace of trials of the ICTR, as compared to tribunals conducted at the national level. Although this problem has been particularly ascribed to various factors, some of which have already been highlighted, there is need to look into an important aspect of the recent reform of the ICTR concerning the creation of a pool of 18 ad litem judges, which is aimed at increasing the Tribunal's judicial capacity.

The proposal for the reform appears to have been defeated as the relevant Security Council resolution for the ICTR only allows the use of four ad litem judges at one time. There is no doubt that the reform of the ICTR is primarily aimed at expediting the trials of the accused persons and at avoiding the negation of the axiom that justice delayed is justice denied. It is imperative that this low number of ad litem judges to be used at any one time should be reconsidered. The ICTR's report under consideration clearly affirms that the provision of four ad litem judges at any one time makes the division into sections difficult. This is all the more reason why we believe that reconsideration is necessary. In order to ensure the early completion of the ICTR mandate, the Nigerian delegation recommends that the ICTR ad litem judges should be increased to the same level as that of the ICTY, which was given the opportunity to use nine ad litem judges at any one time.

The ICTR needs the full support of the United Nations to carry on with the incredible work that it is doing. The Rwanda Tribunal's present witness programme needs to be further strengthened to ensure adequate protective measures so that witness, whether for the prosecution or the defence, can testify incognito and be protected from the risk of reprisals.

We commend the Registrar's untiring efforts and initiatives to promote better knowledge and awareness at various strata of civil society, particularly about the work of the ICTR, especially in Rwanda and the Great Lakes region. The current effort by the Registrar to seek greater support for the reconciliation process in Rwanda and the establishment of a special fund for the victims of genocide in Rwanda is also a step in the right direction.

The Nigerian delegation notes with satisfaction the assumption of office by the newly-appointed prosecutor for the ICTR, Mr. Hassan Bubacar Jallow from The Gambia, who took up his new mandate at the headquarters of the Tribunal in Arusha, Tanzania, on 3 October 2003. We believe that the appointment of a new Prosecutor will mitigate some of the existing institutional problems of the ICTR and enhance the Tribunal's standards of professionalism and impartiality. I also believe that the Prosecutor will bring his professional skills and wealth of experience to bear on his duties and provide the required leadership and guidance to move the Tribunal forward by developing a clear and comprehensive strategy towards the attainment of the ICTR's mandate.

As regards the International Tribunal for the Former Yugoslavia (ICTY), my delegation commends the efforts that have been made so far to carry out both internal and external reforms, primarily designed to improve the Tribunal's efficiency of proceedings, including the expansion of the duties of ad litem judges. In that regard, my delegation specifically commends the Tribunal for the external component of its completion strategy by reaching an agreement with the Office of the United Nations High Representative for Bosnia and Herzegovina concerning the establishment of a special chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina. We believe that this is a constructive initiative that will enable the Tribunal to begin transferring some cases of mid- and lower-level accused to the special chamber for war crimes prosecutors in the State Court of Bosnia and Herzegovina during 2004 or early 2005.

In conclusion, the Tribunals need the sustained support of the international community for the achievement of their objectives. The existence of these Tribunals is undoubtedly a reflection of the commitment of the international community to the principles of the rule of law, a sine qua non for building a just society. Nigeria reiterates its continued support for the work of the ICTR and ICTY as part of the collective will to ensure that the Tribunals are able to discharge their responsibilities credibly.

Mr. Gahima (Rwanda): Allow me to thank you, Sir, for the opportunity accorded to my delegation to participate in this important debate.

I would also like to take this opportunity to thank the President of the International Criminal Tribunal for Rwanda (ICTR) for his report and to assure him and his collaborators of my Government's continued support for their work.

Allow me also to take this opportunity to thank the Secretary-General and the Security Council for the recent decision to appoint a separate Prosecutor for the ICTR, a change in the structure of the Tribunal that my Government had long advocated. We believe that this change will go a long way towards addressing some of the concerns that my Government has raised about the work of the Tribunal in the past.

The Government of Rwanda is committed to seeking justice for the victims of the 1994 genocide, particularly as far as the senior Government, military and civil society leaders who planned and oversaw the Rwanda genocide are concerned. Promoting the rule of law, in general, and accountability, in particular, for the genocide and other violations of international humanitarian law that occurred in Rwanda between 1990 and 1994, has been one of the pillars of the programme of the transitional Government of national unity. Consequently, we attach very great importance indeed to the work of the ICTR.

To assist the ICTR in achieving its mandate, the Government of Rwanda has put in place mechanisms to facilitate its work. We have provided assistance and hospitality to ICTR personnel in Rwanda for the last nine years. All judicial, law enforcement, central Government and local government organs in Rwanda have standing instructions to assist ICTR personnel in their work in our country.

We provide access to vital witnesses, undertake investigations for the Office of the Prosecutor whenever we are requested to do so, make available evidence in our possession relating to cases in which the ICTR is interested to its trial attorneys and investigators, facilitate the travel of witnesses to testify before the ICTR and continue to actively assist and cooperate with the Tribunal in locating fugitive genocide suspects, with a view to their apprehension. We regret, however, that the invaluable assistance which Government institutions and private citizens of Rwanda have provided and continued to provide to the ICTR, at considerable sacrifice and expense, often goes unacknowledged and unappreciated.

As the ICTR focuses on its completion strategy, it should be recognized that the people of Rwanda are stakeholders in the Tribunal's work, with a legitimate right to express views on aspects of the Tribunal's performance that could be improved. Not only are we part of the international community, we are also the victims for whom the Tribunal was established to bring justice.

The following are some of the areas in respect of which the Tribunal's performance has had shortcomings, and which require attention. The Tribunal, to date, is remote and alienated from Rwandan society and has failed to have any significant impact on it, as was envisaged by Security Council resolution 955 (1994), which established the Tribunal. The Tribunal's management organs have often worked as unrelated institutions, lacking cohesion instead of being complementary organs of the same institution working in close collaboration.

Furthermore, the Office of the Prosecutor has over the years failed to develop a realistic and comprehensive prosecution strategy. The Tribunal has failed to develop a credible and effective witness protection programme and has neglected to address other pertinent concerns and needs of victims and witnesses. The Tribunal has hired perpetrators of genocide and close relatives and friends of suspects as defence investigators and legal assistants, who then in turn threaten genocide survivors who are prosecution witnesses. There are fee-splitting arrangements between genocide suspects in detention and defence lawyers and investigators, with the result being that financial contributions made by the international community to bring to justice the perpetrators of genocide are used instead to enrich the criminals and their families and friends, and to fuel conflict in our region.

Also, the Office of the Prosecutor has failed to indict and apprehend large numbers of prominent genocide suspects, who are still at large in many countries, and it has also failed to develop a realistic and credible completion strategy.

By and large, the perception in Rwanda is that, in view of the vast resources at its disposal, the ICTR has been slow, inefficient and ineffective.

We would like to recognize that there has been some progress in addressing some of the concerns which the Government and the people of Rwanda have had with regard to the performance of the ICTR. I would in this regard like to cite the following examples: the appointment of a separate prosecutor for the ICTR; the appointment of the ad litem judges; and the initiatives taken by the new President of the Tribunal to expedite the pace of the trials and to promote the effective functioning of the Tribunal, as Judge Møse indicated this morning.

Rwanda, much like the rest of the international community, hopes and believes that the new leadership of the Tribunal offers a window of opportunity for addressing the problems that have plagued the Tribunal in the past, and sets the institution on a course that will enable it to leave a legacy of which we can all be justly proud in the years to come.

My Government reiterates its sincere determination to continue to render its full support to the ICTR to enable it to fulfil its mandate. We also call upon all relevant organs of the United Nations, including the General Assembly, to continue to explore ways of making the ICTR more efficient and effective, and we take this opportunity to make the following recommendations for consideration by the Assembly.

With regard to the completion strategy, we recommend that there should be greater consultation between all stakeholders concerned than has hitherto been possible on the proposed strategy. We recommend that the completion strategy urgently address the problem of the large numbers of genocide suspects whom the Office of the Prosecutor has not indicted and who are still at large in many countries across the world. We recommend also that the completion strategy address the financial implications of the transfer of more than 30 cases to Rwanda and make provisions as to how the financial resources required to assist Rwanda to deal with those cases will be raised.

On the problem of the remoteness and alienation of the Tribunal from Rwandan society, we recommend that the Tribunal undertake a credible and substantial outreach programme to bridge the gap between it and Rwandan society. We are of the view that the ICTR could have useful lessons to learn from the experience of the Sierra Leone Tribunal in this regard. We would also once again recommend that hearings of at least some of the cases being heard by the Tribunal be conducted in Rwanda.

As regards the Tribunal's relationship with survivors, we urge the ICTR to resolve its outstanding misunderstandings with the survivors of the genocide through dialogue with their chosen representatives.

As regards the hiring of persons suspected of having participated in genocide, we recommend that the Government of Rwanda and the ICTR agree on mechanisms for vetting prospective employees in order to ensure that persons responsible for genocide are not employed by the Tribunal. We recommend also the appointment of an independent commission to investigate and make an urgent report on the presence of persons among the personnel of the ICTR suspected of having committed genocide, and on proposed measures to be taken to ensure that the perpetrators of the genocide and their relatives and friends do not continue to be unjustly enriched by money which the international community pays to ensure that they are instead brought to justice.

As regards the treatment and protection of witnesses, we call upon the ICTR to provide adequate counselling and preparation to prosecution witnesses prior to their appearance before the ICTR. We call also for the establishment of an effective witness programme that is agreed between the ICTR and the Government.

Regarding mismanagement of the Tribunal in general, we urge greater collaboration between various organs of the ICTR, so that they act as complementary organs of one institution instead of perceiving themselves as separate, autonomous and competing organs. We also call upon the organs concerned to end recruitment practices based on factors other than merit, which have in the past had an adverse effect on the competence of personnel.

Finally, regarding the relationship between the ICTR and the Government of Rwanda, we recommend that, as far as addressing shortcomings in the investigation and prosecution of cases being handled by the ICTR, there ought to be closer collaboration between ICTR

personnel with Rwandan prosecution and investigation authorities to ensure better preparation of cases.

We recommend that greater use be made of Rwandan professionals within the ICTR during the remaining years of its mandate, because they are more familiar with the facts and circumstances of the genocide, and their experience would be beneficial as the domestic courts of Rwanda begin to assume responsibility for the cases which will be transferred from the ICTR to our domestic courts.

Finally, we urge the implementation of previous recommendations and agreements to institutionalize a system of liaison officers between the ICTR and the Government to facilitate collaboration and cooperation.

In conclusion, I would like to express my Government's appreciation to the General Assembly, the Security Council and the Secretary-General for their continuing interest in and support to the ICTR.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 53 and 54?

It was so decided.

Agenda items 60 and 10 (*continued*)

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/58/323)

Report of the Secretary-General on the work of the Organization (A/58/1)

The President: I should like to inform members that, in a letter dated 8 October 2003 addressed to the President of the General Assembly, the Permanent Representative of Spain to the United Nations, in his capacity as Chairman of the Group of Western European and Other States for the month of October, requests that the General Assembly hear in plenary meeting a statement by the Observer of the Holy See in the debate on agenda item 60, "Follow-up to the outcome of the Millennium Summit", and agenda item 10, "Report of the Secretary-General on the work of the Organization".

May I take it that there is no objection to the proposal to hear a statement by the Observer of the Holy See in the debate on agenda items 10 and 60?

It was so decided.

Mr. Limon (Suriname): I would like first of all to thank the Secretary-General for his comprehensive reports on the follow-up to the outcome of the Millennium Summit and on the work of the Organization. We welcome the initiative by the Secretary-General to establish a high-level panel of eminent personalities to examine major global challenges, such as peace and security, as well as United Nations reform.

The maintenance of international peace and security is one of the pillars upon which the United Nations was established. Recent developments have brought to our attention both old and new threats to international security. In addition to traditional threats to security, in response to which borders and people are secured from external attack, we are now faced with other threats to international security that affect contemporary international relations. These include transnational organized crime, the spread of infectious diseases such as HIV/AIDS and Severe Acute Respiratory Syndrome, environmental pollution and economic crises, all of which could eventually lead to social and political instability. In order to achieve a common security agenda, it is essential that the international community first reach agreement on the main threats to international peace and security, both old and new, and on ways to collectively deal with those threats.

One of the long-pursued objectives of the United Nations is the elimination of all weapons of mass destruction from the world. There is growing concern among the members of the international community and within the United Nations that non-State actors could acquire and utilize such weapons. The multilateral instruments and means that currently exist to deal with threats of weapons of mass destruction focus only on threats posed by States, not on those posed by non-State actors, and have no specific penalties for non-compliance. My Government agrees with the Secretary-General that these are crucial weaknesses that should be addressed.

Acts of terrorism are a grave danger to international peace and security and represent a serious violation of fundamental human rights. The growing interdependence in the world has the disadvantage in that it could facilitate terrorist activities all over the globe. Terrorism should therefore be dealt with by collective means. The fight against terrorism, to which Suriname is fully committed, must at all times respect

international law, human rights and the principles of tolerance and peaceful coexistence.

The transport of nuclear waste through the Caribbean Sea is an issue of grave concern to the Caribbean region — especially in the light of the increase in terrorist activities throughout the world — given the potential danger that it poses.

One of the basic human rights of each human being is the right to development, which needs to be human-centred and sustainable. Global poverty is still one of the most difficult challenges facing the international community. Achieving the Millennium Goals by 2015 will, indeed, require greater national and international efforts. The implementation of the Goals should be further promoted, and both developing and industrialized nations should abide by their commitments in this respect.

It has been determined that the HIV/AIDS pandemic is the deadliest in human history and that it is having a devastating social and economic impact. The fact that the Caribbean region has the second highest percentage of HIV-infected people is alarming. My Government is therefore committed to stopping and reversing the spread of HIV/AIDS, as well as of malaria and other diseases. In this regard, a national strategic plan on HIV/AIDS for the period 2004-2008 is being developed.

Industrialized countries must live up to their commitments regarding official development assistance and work towards a regime of fair trade with developing countries. The multilateral trading system needs to be improved. Developing countries need to be included to a greater extent in the decision-making process of the main international organizations.

Follow-up to the outcome of the major United Nations conferences, especially those on sustainable development and financing for development, is necessary. In our overall efforts to reach the Millennium Development Goals, we must tackle crucial environmental challenges such as climate change and biodiversity protection, and we should all live up to our commitment regarding the responsible and equitable management of the Earth's resources, as set out in the Johannesburg Plan of Implementation.

Education for all, gender equality and bridging the digital divide are issues that also require attention if sufficient development is to be achieved. The international community should make a serious effort to achieve the Millennium Development Goals and thus create better living conditions for all of the world's people.

We are currently going through a trying time in international relations. One of the major challenges in this respect is the threat to multilateralism. This calls for the international community urgently to acknowledge its responsibility for taking a collective approach towards resolving global problems and reviewing the functioning and structure of key multilateral institutions like the United Nations.

Suriname supports the efforts to strengthen the United Nations through reform. The reform of the Security Council should ensure that that body becomes a more democratic and representative organ and thus reflects contemporary geopolitical realities. The most challenging task will be to find the right solution for Security Council reform — a solution that enables it to effectively deal with matters of international peace and security in the context of the current world order.

We also supports reform proposals with regard to strengthening the General Assembly, such as streamlining its agenda, improving its decision-making process, strengthening the role of soft-law instruments, such as resolutions and declarations, and enhancing the Council's relations with the rest of the United Nations system.

In conclusion, I would like to reiterate my Government's commitment to work with the rest of the international community towards a more peaceful, humane, equitable and just world.

Mr. Alcalay (Venezuela) (*spoke in Spanish*): I would like first of all to express appreciation to you, Mr. President, for having designed the programme of work related to items allocated for discussion in plenary meetings in such a way as to ensure a comprehensive overview of the issues with which we are concerned. This is particularly true as we address these two items that we now have before us, because of the close interrelationship of the two reports of the Secretary-General, as shown in the complementarity of the accounts of the advances made in implementing the Millennium Goals.

A significant number of delegations in the general debate endorsed the proposal to strengthen this world political forum. The General Assembly is the

only forum that the international community has to review and consider issues, topics and questions relating to peace and international security.

This convergence of views should be the beginning of something momentous. We are seeing the international community urging the preservation of a collective approach to the issues and challenges facing the United Nations, by means of multilateralism. All of this requires that this Organization, also affected by the process of globalization, adapt to changes and keep in step with new international demands.

The United Nations should be the centre for decision-making to tackle the challenges and threats that face humankind. The buttressing of the system of collective security and a multilateral approach to issues of concern and interest to the international community must be the foundation for our renovation of this Organization.

The Secretary-General, in his annual report, sets forth very clearly the challenges lying ahead of the United Nations and has given us an account of what the Organization is doing in the areas of peace and security, social and economic development, humanitarian assistance, international law and human rights, and the protection and preservation of the environment, among other priority issues.

The points he makes make it clear once again that there is a need to conserve a multifaceted approach which will make it possible for each and every Member State to make its contribution, to share its experience, or present a viewpoint in order to make the decision-making process on these important issues a participatory one.

In our view, our decisions should be grounded in the ideals of social justice, freedom, peace, economic progress, democracy and independence, and should be designed to build a balanced international climate in which justice will prevail in an environment of solidarity that will promote the security and stability that are vital for human progress.

Despite the difficulties involved in achieving the Millennium Development Goals and the scant progress reflected in the report of the Secretary-General, those Goals are still, without question, the relevant agenda of this Organization. The Millennium Development Goals encompass a broad range of challenges and problems that are not conventional in nature, and that affect international peace and security. In our view, the progress that will be made in achieving these Goals will, to a large extent, depend on the progress achieved in reducing poverty and deprivation and eliminating social exclusion.

Prevention of armed conflict is an area in which the Organization has significant potential in terms of its future work. General Assembly resolution 57/337 was an excellent contribution by Member States in terms of addressing this task. The Assembly should continue to work on and develop that resolution because of its importance and predictable effects, and that issue should hold a high place in our follow-up to the Millennium Development Goals.

Without disregarding the need to continue to intensify action to combat the emergence of new threats to international peace and security, such as international terrorism and international organized crime, it is vital for the Organization to allocate the necessary resources to promote and respond to the great needs of development and of poverty eradication through the development of peoples.

The progress made towards these Goals will be a key factor in the creation of more just societies and more robust and stable democracies, while at the same time we can also eliminate the dangers, referred to earlier, of threats to international peace and security. For this reason it is essential to bolster the support and assistance mechanisms for developing countries and offer them fresh and innovative tools that will make it possible for them to achieve the goal of economic and social well-being for their peoples.

In light of this, we are convinced that the establishment of an international humanitarian fund, as proposed by our country as a tool which will help combat the social emergency facing humankind, continues to be a valid proposal and we will continue putting it forward in future negotiations.

Venezuela attaches great importance to achieving the Millennium Declaration Goals. In this regard, we are particularly eager to see specific formulas, methods and plans adopted that will allow for follow-up and evaluation of the Goals, because the progress made in combating poverty and social inequities will be essential in achieving our country's development goals. This process needs to be viewed as a multidimensional exercise including targets in the areas of health, education, productivity, care for the environment, respect for human rights and the promotion of cultural

values and cultural diversity, as fundamental elements of the social agenda. This is the challenge that my Government has undertaken in pursuing these Goals. Venezuela believes there is a need to draw up specific plans of action that will boost our ability to achieve the goals of our social agenda.

The social and economic agenda should be given the same degree of priority as the political one, so that the problems involved can be looked at as a set, and from the standpoint of solidarity, with emphasis placed on international cooperation to work to create a more secure and fairer world, one to which we all aspire and which would be free of many of the conditions in which terrorism and armed conflict can germinate, growing into wars and armed conflict whose scope can become international.

The United Nations needs to step up its efforts to aid and assist developing countries, while at the same time accommodating the specific needs of middle income countries, as well as, in particular, the needs of the least developed countries, which deserve primary attention. To this end, we need to establish mechanisms and special modalities which make it possible for them to receive the necessary resources and cooperation.

A key step towards achieving these objectives will be the firm commitment on the part of all of us to shift towards a more human development model, grounded in new ethical values governed by social justice. In this regard, we should revise the concept of international security, a concept which would need to be defined from the perspective of the human individual. This has been very much the concern of the United Nations in developing universal norms and standards to protect the rights and fundamental freedoms of the individual. But when we consider and analyse the effective enjoyment of these rights on the worldwide level, we see that the results are still minimal. The task appears gigantic when you look at the figures we receive daily and see how those excluded from the enjoyment of these rights continue to suffer the greatest hardship.

At the present time, Venezuela is hosting a high-level conference on poverty, equality and social inclusion, in conjunction with the Organization of American States, to consider ways and means of eradicating poverty, in particular critical poverty, as a pre-condition to build and enhance democracy.

As the Assembly can appreciate, the topic of combating poverty is an issue of high priority for Latin America and the Caribbean, and we are certain that the conclusions that will be reached in the next few days will also make it possible for us to contribute to the efforts of the United Nations towards that end.

From that standpoint, it is very important to begin the process of the implementation of the Monterrey and Johannesburg declarations, together with that of the outcomes of the other major United Nations conferences that have been held recently in the economic and social fields. We must establish the appropriate guidelines so as to achieve all the imperatives of the Millennium Development Goals.

The inclusion in the High-level Dialogue of financial institutions such as those of Bretton Woods and the increasing partnership among non-governmental organizations and the private sector will undoubtedly help us achieve those Goals.

At the international level, there is a very clear sense that we should take advantage of this opportunity to update our Organization, adapting it to the challenges that it faces and to the scale of the job that it needs to do. We must pool our efforts in order to chart the new course that the Organization, after a half-century of existence, must embark upon — efforts which must be further enhanced and fine-tuned.

We need to do our utmost to focus our endeavours and our attention on areas that have the greatest impact on international life, without losing sight of the need to ensure that this serves to benefit each and every individual and all peoples of the world.

In conclusion, we would like to express our confidence in the Secretary-General's proposal to set up a panel of eminent persons to report on the need for restructuring the principal organs of the United Nations. The recommendations that they will be making in this regard will undoubtedly be extremely useful.

I wish to take this opportunity to state my delegation's readiness to cooperate at all times with such panel and in connection with the other proposals that have been made, so as to ensure that we make an effective contribution to make the United Nations a renewed and forward-looking Organization.

Mr. Sow (Guinea) (*spoke in French*): Allow me to say, Sir, how deeply my delegation appreciates the skill, talent and devotion that you have been

demonstrating in managing and guiding our Assembly. I should like also to congratulate the Secretary-General on the high quality of his reports on the work of the Organization and on the implementation of the Millennium Declaration, as well as on the importance and relevance of his recommendations and conclusions.

Before I turn to the consideration of some points to which my country attaches major importance, I should like to say that we endorse the statement made by the representative of Morocco on behalf of the Group of 77 and China.

An assessment of the work done by the United Nations over the past 12 months shows that problems related to peace and security, development, human rights, democracy and good governance remain priority concerns for the international community. The grim succession of terrorist attacks we have witnessed recently, culminating in the disastrous attack of 19 August last against the United Nations, brought to light the complexity of the challenges facing humankind at the national, regional and international levels. By attacking, with such unprecedented violence, United Nations headquarters in Baghdad, the perpetrators of international terrorism sought to attack the principles, universal values and purposes enshrined in the Charter of the United Nations and to call into question the credibility and legitimacy of its mission — working for peace, stability and development.

In that context, the report of the Secretary-General rightly describes that tragedy as a direct challenge to the vision of global solidarity and collective security rooted in the Charter of the United Nations and articulated in the Millennium Declaration.

The rapid globalization of local or regional crises is a challenge to the political will and the sense of responsibility of the United Nations and of its principal organs. Our Organization needs to heighten its resolve to continue its fight against international terrorism and to find a peaceful and lasting political settlement to the many conflicts that beset the world, particularly in the Middle East and in Africa.

The United Nations must continue to help the Iraqi people to rebuild their country and to support ongoing efforts for the restoration of their full sovereignty. In the Middle East, initiatives must be taken to relaunch the peace process. All parties must be urged to exercise maximum restraint and to abide by agreements that have been signed, as well as the relevant provisions of Security Council and General Assembly resolutions, in order to provide a negotiated solution to the crisis.

My delegation welcomes the intensive efforts of the United Nations in the area of conflict prevention, peacekeeping and peace-building in Africa and in the rest of the world. The examples of Côte d'Ivoire, Sierra Leone, the Democratic Republic of the Congo and, quite recently, of Liberia show how very successful our Organization can be in deploying, sometimes in emergency conditions, of increasingly complex peace operations involving multiple partners in the field.

The challenges to peace and security have a global dimension. They require collective responses based on the international legitimacy of the United Nations. It is time for the Assembly to take a close look at the architecture of international institutions and to seek to adapt their structure and functions to current needs.

In this respect, we support the Secretary-General's unrelenting efforts to revitalize and reform the United Nations. Our Assembly should, inter alia, support the activities of the high-level panel that he has mandated to consider ways to strengthen the United Nations through a reform of its institutions. My country has a priority interest in this reform and will contribute to its consideration by Member States.

My country is convinced that, at this critical stage in world affairs, the principal organs of the United Nations — the Security Council, the General Assembly and the Economic and Social Council — must be strengthened, so that they can better live up to the expectations of the developing world and to ensure a more equitable allocation of the benefits of globalization.

For Africa, translating the Millennium Development Goals into reality is the best hope for putting an end to poverty and to nip in the bud the many causes of conflict and instability. The commitments undertaken in the framework of the New Partnership for Africa's Development (NEPAD) by the Africans themselves, with the support of their development partners, are of crucial importance. NEPAD is a unique opportunity for Africa, and we are pleased to see our Organization participating fully in this dynamic movement. We also need to consider the progress made in establishing the new world partnership on which NEPAD must base its development, for unless the international community mobilizes right now to give the necessary resources to

Africa, the continent runs the serious risk of not attaining the Millennium Development Goals.

My delegation notes with regret that negotiations on the key elements of the Doha Development Round were not fruitful at the recent Ministerial Conference of the World Trade Organization, held in Cancún. We urge our partners to respond positively to the proposals of the developing countries concerning areas of crucial importance for peace, stability and progress throughout the world.

In conclusion, we encourage the United Nations to continue to work for a more equitable world order, one conducive to the attainment of the Millennium Development Goals.

Mr. Kilo-Abi (Democratic Republic of Congo) *(spoke in French)*: The delegation of the Democratic Republic of the Congo, through the authoritative voice of His Excellency, the President of the Republic, Major General Joseph Kabila, has already had an opportunity to congratulate you on the devotion, skill and competence with which you and the members of your Bureau have been conducting the Assembly's work. My delegation would like to take this opportunity to say how much we appreciate the two reports of the Secretary-General on the work of the United Nations and on the implementation of the Millennium Declaration.

We would like to say that while highlighting the challenges and difficulties facing the United Nations in helping to attain the needs of world solidarity and collective security, the Secretary-General indicates the following in his reports: first, the number of Member States of the United Nations has increased from 51, when it was first created, to 191 today. It is possible that, thanks to the work done by the Special Committee on decolonization, this number may increase.

Secondly, the objectives of peace and security outlined in the Millennium Declaration have been assailed through the exacerbation of heinous acts such as terrorism, the proliferation of small arms and light weapons, anti-personnel mines, the threat posed by weapons of mass destruction, the upsurge in transnational criminal networks and the looting of natural resources in the name of the vague notion of defending internal security interests. Thirdly, many people throughout the world are overwhelmed by famine, extreme poverty, total destitution, ignorance, disease and unprecedented pandemics. Fourthly, social and economic progress have been halted in the wake of several wars.

In order to deal with all of these challenges and to chart the way towards strengthening and revitalizing international peace and security and, therefore, development, the Democratic Republic of the Congo believes that everything should be based on coordinated action, bearing in mind, first, the overriding need to strengthen and supplement existing regimes dealing with weapons of mass destruction, small arms and light weapons, as well as anti-personnel mines. Secondly, we must also bear in mind the imposition of financial sanctions and arms embargoes to produce a kind of shock therapy on the behaviour of parties and to ensure compliance with the decisions of Member States. Thirdly, the adoption of effective measures to ruthlessly combat war economies as well as the trafficking in precious stones and raw materials that very often fuel conflicts in the countries that produce these resources. At this stage, everything should be done to strengthen the diamond certification system within the Kimberley Process. Fourthly, a genuine political and economic commitment by Member States is necessary in order to have a real impact on all actors involved in armed conflicts.

My delegation, at this point, would like to remind the Assembly of the request made by His Excellency, the President of the Democratic Republic of the Congo, on 24 September, to set up a United Nations fund to provide compensation for the untold damage suffered by the Democratic Republic of the Congo, and to establish, with the assistance of the United Nations, an international criminal tribunal for the Democratic Republic of the Congo to deal with crimes of genocide; crimes against humanity, including rape used as a weapon of war; and mass violations of human rights.

Fifthly, in the area of development, there is a need to take into account globalization as a positive force for all humankind that should be based on a world partnership for an increasingly diversified, dynamic kind of development.

The reform of the United Nations is essential in order to meet crucial needs, including, first, to make our collective security system credible; secondly to buttress the principle of the sovereign equality of States; thirdly to adapt to current conditions the membership of some bodies that would become obsolete because they date back to 1945, and fourthly,

the need to take into account the geopolitical realities of the twenty-first century.

While we endorse the contents of the statement made by the representative of the Kingdom of Morocco, speaking on behalf of the Group of 77 and China, the delegation of the Democratic Republic of the Congo favours the strengthening as well as the democratization of multilateral institutions, particularly through strengthening the rule of law.

Mr. Sharma (Nepal): Let me begin by congratulating you on your well-deserved election to preside over the fifty-eighth session of the United Nations General Assembly. I admire your leadership and your vast experience in the diplomatic field and have full confidence that we will have a successful session under your leadership.

The Millennium Declaration embodies most, if not all, of the principles and purposes of the United Nations, spelt out in more concrete terms. Some have even said the Declaration is a second charter of the world body. For now, implementation of the Declaration is the primary task of the United Nations. Hence, Nepal welcomes the scheme to consider together the reports on the work of the Organization and on the follow-up to the Millennium Summit.

Both reports indicate that the past 12 months saw many advances and setbacks for the United Nations and for the world at large. The most appalling outrage during this period was the two terrorist attacks on the United Nations compound in Baghdad, which killed Mr. Sergio Vieira de Mello and others. Our hearts go out to the bereaved families.

Indeed, maintaining peace and security remains a major concern for the world and a daunting challenge for the United Nations. Nepal appreciates what the United Nations has been doing to prevent and resolve conflicts, to stamp out terrorism and to promote disarmament and a culture of peace around the world, with remarkable success in some cases and not in others.

Sierra Leone and East Timor are two recent examples of places where the United Nations has achieved its goals. However, the United Nations has failed to act with regard to Iraq. It has not been able to stop the bloodshed, and for half a century it has not been able to resolve the festering Middle East crisis. Afghanistan, Liberia, Côte d'Ivoire, the Democratic Republic of the Congo and a number of other conflict-ridden places remain serious challenges for the world body.

Despite the United Nations initiative for concerted global action against terrorism, that menace remains a major threat to world peace. Indeed, we must bring terror to its knees. At the same time, we must address the root causes and constituents of terror, such as poverty, discrimination and lack of awareness and of opportunity. We must deny access of non-State actors to small arms and light weapons by revamping the relevant global agreements.

His Majesty's Government highly appreciates the Secretary-General's concern about the Maoist insurgency that is terrorizing Nepal and his kind offer of his good offices. We shall certainly avail ourselves of his generosity when we believe his good offices would be most fruitful. We also applaud all those friends who have been supporting us in dealing with the Maoist problem and in carrying out quick-yielding developmental activities in the affected areas.

It is disappointing that the United Nations Conference on Disarmament has been caught in the prison of schismatic inertia and has not been able even to produce a programme of work for the past several years, let alone a strategy to rid the world of nuclear weapons within a specified time frame. Verification measures for a chemical and nuclear weapons ban remain weak. We must take urgent steps to revive disarmament as a priority agenda item for the United Nations.

It is troubling that nearly 800 million people are hungry and more than one fifth of the world's people live on less than a dollar a day, with nearly two thirds of them in Asia. The depth of poverty is appalling in sub-Saharan Africa. The United Nations deserves credit for bringing the world community together to agree on the Millennium Development Goals, the Monterrey Consensus, the Johannesburg Programme of Implementation and other compacts to deal with the challenge of development. Indeed, over the past couple of years, poverty and hunger have marginally receded. The child mortality rate has declined and school enrolments have improved, both slightly. More resources are now available to fight HIV/AIDS, malaria and tuberculosis, and since last year an upward trend has been witnessed in development assistance.

However, implementation of those agreements remains unconscionably slow, and progress remains starkly inadequate. To meet the Millennium

Development Goals, developing nations will need an additional $50 billion in assistance annually, but the additional pledges are scarcely one third of that figure. And the Highly Indebted Poor Countries Debt Initiative is moving at a snail's pace, while highly indebted countries continue to reel with the excruciating pain of unsustainable debt burdens. We must not allow the global economic slowdown to weaken our resolve or to hamper our progress.

The Doha Development Round — a linchpin of the efforts to fulfil the Millennium Development Goals — collapsed in Cancún, and colossal farm subsidies and other tariff and non-tariff barriers of rich nations persist as obstacles to free trade and to growth in poor countries. The failed Cancún trade talks should be salvaged by quickly resuming negotiations so that the promise of Doha becomes a reality and does not remain a mere mirage.

The United Nations has always stressed that disadvantaged countries need special attention and adequate resources to mitigate their difficulties. Its funds and programmes have done their best in that regard. For example, the Brussels Programme of Action for the Least Developed Countries has already been mainstreamed into the United Nations system. But the overall result continues to be a cause of concern. Development assistance to the least developed countries is woefully inadequate. Duty-free and quota-free access to markets, aimed at spurring their investment and trade, has yet to materialize. Unless they have access to more resources and to open markets, the least developed countries — including Nepal and many African States — will fail to achieve the Millennium Development Goals and the objectives of the Brussels Programme of Action.

The landlocked developing countries suffer from geographical handicaps, from an attendant lack of access to sea-based resources and from high transit-transport costs. That deprives them of many means of survival and of their comparative trade advantage. We fervently hope that implementation of the Almaty Programme of Action will receive full support from transit neighbours and development partners to ameliorate the difficulties of the landlocked developing countries.

The Barbados Programme of Action should be implemented with all seriousness to help the small island developing States to address their unique problems. Developing countries have long demanded a transformation in the international financial architecture to make it inherently fair and more representative and to enhance its legitimacy. Such a change is essential to give poor countries a voice in deciding their own destiny. It is a pity that not much has happened in that area so far.

A better world will continue to elude us if we fail to bring democracy, human rights, justice and good governance to ordinary people across the globe. Humanitarian assistance will continue to be a priority in helping vulnerable people at their moment of dire need. Nepal appreciates the fact that the United Nations has been promoting human rights, justice and good governance and has been providing humanitarian assistance throughout the world.

We support the United Nations in its endeavours to advance gender balance inside the Organization and outside in the global community. The tangible role of the United Nations as an advocate and promoter of justice and good governance in individual countries and in the wider world finds favour in my country. We feel acute pain whenever United Nations forums are used not for policy, but for politics, and it is dragged into unnecessary controversy.

The United Nations has won accolades as a key agency for humanitarian aid to needy people ravaged by wars, conflicts and calamities. It has worked strenuously to protect, maintain and repatriate refugees. Nepal profoundly praises the United Nations High Commissioner for Refugees and other agencies for their help in looking after the nearly 100,000 Bhutanese refugees, and we encourage them to sustain their assistance until the refugees return to Bhutan.

A strong United Nations will be vital in achieving the Millennium Development Goals and the other objectives of the Millennium Declaration. Therefore, Nepal welcomes the Secretary-General's proposal for reforms in the United Nations. We believe reform is a process rather than an event. Consistent efforts, therefore, will have to be made, not only to improve decision-making processes, but also the mechanisms for executing decisions.

For too long, we have focused on narrowing the agendas of the General Assembly and the Economic and Social Council as a way to reform these principal organs. This is indeed important. But these organs will not be able to develop the strong constituency crucial

to revamping them until their resolutions are properly implemented and make a difference in people's lives. This is where our emphasis should increasingly be in the days ahead.

Security Council reforms have been on the agenda of the international community for over a decade. While modest progress has been achieved in democratizing its work, the Council remains unrepresentative and outdated in its structure. Nepal calls on all nations to show flexibility and a spirit of accommodation, to remove the snags that have gotten in the way and frustrated our efforts for Security Council reform.

Finally, Nepal views in a positive light the Secretary-General's proposal to establish a high-level panel to suggest reforms. We believe the panel must be representative and reflect the diverse constituencies and interests that the world body has the obligation to address. While the panel should be free to formulate its own informed recommendations, it must engage in a transparent, open-ended and regular interface with Member States, who thus would not be surprised by any of the panel's recommendations. Only this will ensure the success of reforms.

The President: In accordance with the decision taken earlier at this meeting, I now call on the observer of the Holy See.

Archbishop Migliore (Holy See): Mr. President, since this is the first time my delegation is taking the floor under your presidency, allow me to join the previous speakers in congratulating you and the other members of the Bureau.

When heads of State and Governments at the 2000 Millennium Summit committed themselves to reaching measurable targets by 2015, they were thinking of this not only as inspirational, but also as practically viable.

With 12 years remaining until that target year, my delegation reaffirms its commitment to the Millennium Development Goals, believes in their practical viability as effective tools of political mobilization in favour of the marginalized and unites itself with the Secretary-General's call to "take a hard look at the existing 'architecture' of international institutions ..." (*A/58/323, para. 91*).

The struggle to reach the Millennium Development Goals is a struggle for the globalization of ethics, equity, inclusion, human security, sustainability and development. Such benefits can be delivered by market forces only if attention is paid to the preservation and enhancement of human, community and environmental resources. The efficiency of the international trade and financial systems should be measured by their effective contribution to the achievement of the Millennium Development Goals. Thus, the challenge is to find an effective framework of rules and institutions for stronger local, national, regional and global governance, to ensure that globalization works for the good of people and not just for profit.

The international community should refashion the existing ideas of political equality, social justice and liberty and redesign these into a coherent political project, robust enough for a world where power is exercised on a transnational scale and where risks are shared by peoples around the world.

When we speak of the Millennium Development Goals, we are addressing our immediate future and, thus, we are talking about children. Children are the most precious treasure, deserving of the utmost love and respect, and they are given to each generation as a challenge to its wisdom and humanity. The well-being of the world's children depends greatly on the measures taken by States to support and help families fulfil their natural life-giving and formative functions.

It is interesting to note that, in 1946, when the General Assembly created the United Nations Children's Fund (UNICEF), its acronym was understood as the United Nations International Children's "Emergency" Fund. Despite the change in meaning, the same sense is now applicable in situations where children are not welcome, where their rights are trampled upon and their plight is to be abandoned. It is a real emergency that must be addressed quickly if we want to preserve society.

In this regard, my delegation reaffirms the central importance of education. Education, however, should not only entail knowledge of information but knowledge with a direction. While global media networks and satellite communications can promote transnational cultural diversity, they should also endeavour to safeguard cultural identities. National and indigenous cultures should flourish alongside foreign cultures.

The feminization of poverty and various historical forms of women's marginalization have deprived the human race of untold resources. A heartening response to this problem is the gradual

increase of women's participation in the formal labour market. Yet women's unpaid work hours remain high, and most nations' labour laws do not recognize the vital importance of work or care at home.

With the conditions necessary for peace so elusive, my delegation is profoundly concerned about security and terrorism. An unwanted side-effect of technological progress and economic globalization has been the dramatic increase of human trafficking, especially in women and children, spawning drug related crimes, triggering weapons trade and feeding street crime and civil strife. In areas affected by economic stagnation, structural adjustment programmes have led to the dismantling of State services.

Chronic environmental degradation is becoming today's silent emergency. The irrational exploitation of natural resources is resulting in less biodiversity and fewer forests. Unfortunately, most of the costs are borne by the poor, while the world's rich benefit the most.

My delegation appreciates, above all, that in putting flesh to the Millennium Development Goals, tireless efforts are being exerted by the United Nations system in guiding Governments, assisted by civil society, to set up mechanisms that make ethical standards and human rights binding for nations, corporations and individuals. In that manner, multilateral agreements help to establish global markets that are consistent with human development.

The Holy See understands that the Millennium Development Goals, noted for their preferential focus on the poor, are not a transitory target-driven goal but a permanent task and commitment. Those Goals are technically viable if every human being, who is the stakeholder and centre of those Goals, is also put at the centre of the economic thinking and of the architecture of all international organizations, including those dealing with finances and trade.

The President: We have heard the last speaker in the debate on these items.

Our joint debate on item 10, "Report of the Secretary-General on the work of the Organization", and item 60, "Follow-up of the outcome of the Millennium Summit", has been both interesting and wide-ranging. The 68 representatives participating in the debate, including on behalf of groups of States and regional organizations, indicates that the views of a wide cross section of Member States and organizations were reflected in the debate.

It was clear from the debate that the information provided by the Secretary-General in his reports on the Organization's work and on Millennium Summit follow-up, and his address of 23 September 2003, focused on the work of the Organization, were carefully reviewed and evaluated, so that comments on these two priority issues were succinct and cogent. I know that I speak for us all in thanking the Secretary-General for his reports and for his statement, which gave important orientation to our debate.

United Nations reform has come centre stage as one of the critical issues that the Organization must address, and, understandably, was among the issues given particular focus in the debate. Many commented on the reform issue in the context of the war in Iraq, contending that it severely tested the principle of collective security and the resilience of the United Nations. The Organization has, indeed, been sorely tested over the past year. Reform that can better position it to respond to serious challenges is an imperative, and was given widespread support.

Substantial comments were made on the Secretary-General's proposal to establish a high-level panel to make recommendations on United Nations reform. Already, Member States are giving consideration to the terms of reference of the panel, and to what they expect from it. The case was made that the panel's report should be a conceptual one, reflecting on the nature of changes occurring in the international system, and possible responses to those changes. Security risks related to globalization, development gaps, international solidarity and good governance were among the issues speakers expected the panel to take up.

A number of ideas were put forward on the matter of Security Council reform, indicating that this remains a priority issue, notwithstanding the fact that no comprehensive agreement has been reached over the past 10 years. It was contended by some that given the strategic importance of the Security Council, its reform should outweigh the single political agenda of any Member State. The view was also expressed that restarting the stalled reform process would prove that the United Nations is ready to adapt and adjust, and thereby, to uphold its authority in the world affairs.

Among the opinions expressed on the specific issue of Security Council membership, it was contended that Member States that wanted to, and could, shoulder global responsibility as permanent members of the Council should be considered for such membership. It was also emphasized that new geopolitical realities and better geographical representation on the Council were key issues for resolution.

Regarding revitalization of the General Assembly, there was broad agreement that further streamlining and consolidating of its agenda were critical, and a number of proposals were made in respect of approaches that might be taken. Our approach to resolutions of the Assembly was also the subject of some thought-provoking commentary. We were, in particular, invited to reflect on whether the way we traditionally introduce resolutions, sometimes with very few changes from year to year, serve their intended purpose or reflect the current situation, and whether the best way to influence the situation is to routinely request another report of the Secretary-General. It was proposed that we further consider bi- and tri-annualization of resolutions, discontinue some of our initiatives, or change their focus.

The importance of the General Assembly, as the main decision- and policy-making organ of the United Nations, compels us to give careful consideration to proposals such as those put forward in the debate. This is particularly important for me as President of the Assembly, since, as you know, revitalization of the Assembly is among my priorities, and is also essential to our critical tasks of implementation and follow-up decisions.

The debate also provided the opportunity for many to share perspectives on the need for an appropriate response to new and existing threats to international peace and security, such as the proliferation of weapons of mass destruction. While there was broad support for the General Assembly's being actively involved in addressing these grave issues, it was emphasized that its initiatives in this area must take fully into account respect for human rights and for international law.

In the current global environment, it was to be expected that particular attention would be given to mobilizing global action against terrorism, and this was reflected in the debate of items 10 and 60. Multilateralism was cited as the most efficient weapon in the fight against terrorism. As with the approach to new and existing threats to international peace and security, it was the generally held view that the development of a long-term anti-terrorism strategy must be in strict conformity with the basic principles of the United Nations, including full respect for human rights and fundamental freedoms and international law. It was also stressed by many delegations that there could be no justification for linking any particular religion with terrorism. In that regard, the opinion was expressed that recent incidents in different parts of the world show that no religion is immune to terrorist attacks.

Attention was drawn to the illicit trade and transfer of small arms and light weapons, as matters of grave concern to developing countries, especially in Africa. Many delegations called for renewed commitment and action to prevent and control the movement of these weapons, because they exacerbate conflicts and political instability and have a serious impact on violent crime and criminality.

A broad approach to United Nations peacekeeping operations received support, with some making proposals for the improvement of the work done by the United Nations as part of these operations. The coordination of assistance and protection of civilians in armed conflict, provision of humanitarian assistance, disarmament and various aspects of development were among the issues addressed in this context.

Turning to the Millennium Summit and the Millennium Development Goals, a majority stressed that there was much work to be done to achieve the Goals. Attaining the Goals and meeting the targets agreed to in the Millennium Declaration was considered to be the shared responsibility of developed and developing countries alike. It was also the generally held view that a common effort had to be made to ensure that the Goals are the focus of national as well as global action.

Incessant calls were made for developed countries to meet the commitments they have made, particularly in the area of official development assistance, and for them to support a more equitable trading system. It was also emphasized that developing countries have a stake, and must participate in, international economic decision-making.

Before us for urgent consideration and action is the suggestion that donor countries work towards an agreement among themselves on a set of deadlines for

more equitable trade, debt relief and to meet their official development assistance commitments, in order to achieve the eighth Millennium Development Goal. It is also before us for consideration that a universal reporting system be established for donor countries on progress made in achieving that objective.

It was suggested that developing countries give direction to processes set out in the Millennium Development Goals by assigning their own priorities, elaborating appropriate strategies and focusing on the effective implementation of poverty-reduction policies. The opinion was expressed that good governance is an important underpinning for initiatives in this area.

The Monterrey Consensus, adopted by the International Conference on Financing for Development, supports a framework of mutual obligations and mutual accountability, to which all States are committed. The High-level Dialogue on Financing for Development, scheduled for 29-30 October 2003, is an important event for refocusing attention on the commitments made at Monterrey and maintaining the impetus in this area. We have an obligation — Member States and international agencies alike — to ensure that the High-level dialogue proceeds as envisaged by heads of State and Government at Monterrey, and in the resolution of the General Assembly on the convening of the Dialogue. Therefore, support expressed for the Dialogue should translate into high-level participation from capitals and agencies.

The debate pointed to some joint efforts that are being made that would enhance prospects for achieving real progress in realizing the objectives of the Millennium Development Goals. It has been noted in that respect that the Group of 77 and China has established a multiyear programme of work — 2004 to 2017 — in order to maintain the momentum of commitments made last year at the World Summit for Sustainable Development in Johannesburg. This emphasizes the priority given to the Johannesburg outcome as a blueprint for the achievement of the sustainable development goals. Initiatives such as this are essential for translating the provisions of the General Assembly's resolution on the integrated follow-up to major United Nations conferences and summits into reality.

The Group of 77's initiative should also buttress our efforts to ensure that the 2005 major event will lead to the timely achievement of the Development Goals. Support has been expressed for that major event, in the hope that it will provide new political impetus to achieve the goals set by the Millennium Declaration and at major United Nations summits and conferences. The hope was expressed, as well, that the event would also give impetus to the reform of the United Nations.

We have had a full and fruitful discussion, and I have taken this opportunity to share my views with the Assembly on the salient issues raised in our deliberations. But we cannot leave it here. I would urge all to reflect on the comments and proposals made, and, where these require further consideration and action that would enhance our shared endeavours, to act accordingly.

May I take it that the General Assembly takes note of the report of the Secretary-General on the work of the Organization contained in document A/58/1?

It was so decided.

The President: We have thus concluded this stage of our consideration of agenda items 10 and 60.

The meeting rose at 1.35 p.m.